Refuting 'Abdur-Rahman Hasan

(The Student of 'Ali Hasan) on the topic of not ruling by what the Hakam revealed

'Ali Hasan al-Halabi

Khalid al-'Anbari

'Abdur-Rahman Hasan

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Publications

Abu 'Abdillah al-Athari

REFUTING

‘ABDUR-RAHMAN HASAN

(THE STUDENT OF ‘ALI HASAN)

ON THE TOPIC OF NOT RULING
BY WHAT THE HAKAM REVEALED

Abu ‘Abdillah al-Athari

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بسم الله الرحمن الرحيم

Allah *(tabaraka wa ta'ala)* stated: "Have you not seen those who claim that they believe in that which has been sent down to you and that which was sent down before you, while they wish to go for judgment [in their disputes] to the taghut, although they have been ordered to disbelieve in it? Shaytan wishes to lead them far astray."

- Surah an-Nisa: 60

Shaykh Muhammad al-Amin ash-Shanqiti (*rahimahullah*) remarked: "It is astonishing from whoever judges by other than the legislation of Allah to then claim Islam."

- Adwan al-Bayan

One of the scholars of the Salaf was asked about irja and replied: "It is the din that conforms with the kings, wherein they gain some worldly pleasure and lose some of their din."

- Al-Bidayah wan-Nihayah

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INDEED, ALL PRAISE belongs to Allah. We praise Him, seek His aid and forgiveness. We seek refuge with Allah from the evils of our souls and the evils of our deeds. Whomsoever Allah guides, then no one can misguide; and whomsoever Allah leaves to stray, then no one can guide. I bear witness that there is nothing worthy of worship except Allah, with no partner in association with Him. And I bear witness that Muhammad is His slave and His messenger. May the peace and blessings of Allah descend upon him, his family, his companions, and whoever follows his guidance. As for what follows…

Since the fall of the Ottoman Empire and the powers to be in Europe sought to cut up the lands of the Muslimin, particularly the British Empire, and export their Westphalian world order based upon the filth of nationalism and nation states, they have struggled to establish the legitimacy of the newly formed and European backed, murtadd, client Arab nation states. Originally not wanting to

involve itself in Arabia, the British kingdom shifted policy shortly before the First World War if the Ottoman Empire was to be defeated. Their strategy? To quote:

> It was not direct rule, such as was practiced in parts of India. In Kitchener's Egypt a hereditary prince and native Cabinet ministers and governors went through the motions of governing. They promulgated under their own name decisions recommended to them by the British advisers attached to their respective offices; that was the form of protectorate government favored by the Kitchener group.[1]

Many munafiqun who sold their din for the worthless - wallahi worthless - dunya lined up to be agents and slaves of the kuffar. This reality concerning the history of these states was hidden to many Arabic-speaking Muslimin, with most coming to know of it by researching the history books. Many English readers, as well, were unaware of this history, except of course those who read the explicit documentations the kafir historians published themselves. This setup was intended as the kuffar knew that Muslimin would not tolerate being ruled by non-Muslim actors. So what did they do? They looked for ways to establish the legitimacy of their client states, and the apostate munafiqin who know the Muslim better, turned to the donkeys and dogs of knowledge, the Ba'lams,[2] in order to cover up the reality of the affair and to dress the apostate states with the thobe of legitimacy. And here comes an important point: all the Arab nation states today are illegitimate, kafir client states since their inceptions.[3] They were raised and founded upon nifaq and riddah, and "then went on increasing in their kufr,"[4] adding to that kufr, more kufr – one of which is ruling by other than what Allah revealed in tashri' 'am (broad/public legislature).

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[1] *A Peace to End All Peace*, p. 85.

[2] See surah al-A'raf, ayah 175-7 and its tafsir by ibn Kathir.

[3] This is not even addressing the fact that the very make-up of the modern state is antithetical to any Islamic state. But as an important note, it does not imply that the people under the state's jurisdiction or everyone with ties to the state in some form or fashion are kuffar.

[4] Surah Al 'Imran: 90.

One state in particular deceived many, even sincere scholars, into believing it was a Muslim state that ruled by the law of Allah, like its founder who deceived sincere muwahhid mujahidin into assisting him to establish his kingdom. That being: the third Saudi state and ʻAbdul-ʻAziz ibn Saʻud. A kafir called "Captain William Henry Shakespear, an officer in the Indian Political Service, had, as Political Agent in Kuwait, entered into relations of political and personal friendship with Abdul Aziz Ibn Saud, an emir and rising power in central Arabia, in the years immediately preceding the outbreak of war. Like Abdullah in Cairo, Ibn Saud had expressed a willingness for his domain to become a British client state…"[5]

After the Second World War, with the nations of kufr in Europe having come close to destroying each other, the British Empire ceased to be the offshore broker and caretaker of the order the "Occident" kuffar laid down in the so-called Middle East. Taking her place was America. The transition was relatively smooth, and the same relationship played out: the murtadd munafiq serving the kafir asli. Coming to the 90s and the establishment of the New World Order where there was no balance of power[6] and America, the mules of the Zionist Jews, attempted hegemony over the region, alongside the growing influential presence of the muwahhid mujahidin based in Afghanistan, the kuffar increased their campaign in aiming to establish the legitimacy of their client states. Abu Musʻab as-Suri explains that:

> In order to consolidate this alliance between the kuffar Crusaders and the apostates, and in order to strengthen its position in the face of the mujahid youth, they knew that the gate from which to win this battle was to isolate this group (i.e., the mujahidin) from its popular base and ummah by gaining legitimacy for this alliance of kuffar and apostates. Thus [attempting to] prove the illegality of armed jihad against this

[5] Idid, p. 107. Unlike the case with the other Arab states, the Saudi state had many shubuhat and obscurities surrounding it.

[6] Because the Soviet Union, who played a large role in the Middle East before its demise, crumbled in on itself due to the favor of Allah when it decided to wage war, like America today, against Allah and His allies: the mujahidin.

> alliance and that it is not based upon principles of truth. Because the battle is a battle of principles and ideas, methods and establishment of truth, the alliance of kuffar and apostates mastered the choice of means, having set the goal: to prove their legitimacy and to undermine our legitimacy to the general masses of the Muslimin and public opinion. Therefore, they restored the castles of old, dug out their knights, and were able, to some extent, to bring to the forefront the garrison of the scholars of the rulers, supported and backed by those who deviated from the leadership of the contemporary so-called Islamic Awakening.[7]

The goal here was to 'prove' certain issues, namely:

1. To establish the legitimacy of the rulers in the region, that they are awliya umur (pl. of wali amr), that it is obligatory to obey them, and that it is not permissible to revolt against them.
2. To establish the legitimacy of the Western occupation and its colonial military and economic institutions in the lands of the Muslimin. And that the massive military deployment and bases are there at the request of the rulers and are simply guests.
3. Legitimizing the normalization with the occupying Zionist Jews in al-Quds by recognizing the 'peace' process.
4. To establish that anyone who identifies himself from the Muslimin and mujahidin as a corrupter on earth, a takfiri khariji, dog of Hell, that he has nothing to do with Islam, won't smell the fragrance of Jannah, and that his ruling in this world is that he should be killed.
5. That whoever wants to call for the din of Allah and to establish His law in the land, he must resort to peaceful means, or what they call 'legitimate' means, such as entering into the taghuti parliaments, participating in their rule which does not judge by what Allah revealed, or "to leave politics to Caesar."

[7] See the introduction to *Shahadah Qaidah al-Mujahidin wal-Islah 'ala 'Ulama as-Sultan fi Balad al-Haramayn.*

Practical examples highlighting these points would fill volumes. And one of the most common practices found with those who portray themselves as followers of the Salaf in this matter is the claim that ruling by other than what Allah revealed in public legislature - as the tawaghit in the Arab world do - is not major kufr that removes one from Islam. Therefore, although the regimes in the Arab world and elsewhere rule by man-made laws, obedience to them remains compulsory, and it is not permissible to strive to remove them and set up a just Islamic state by the means legislated by Allah: jihad.[8] They add on top of this by claiming that ruling by other than what Allah revealed is minor kufr according to the agreement of the Salaf and that whoever pronounces takfir of the tawaghit for ruling by man-made laws is from the Khawarij! All of that deception to cement the thrones of rebel kings who rule by other than what the King of kings sent down for mankind to judge with.

FROM ʻALI HASAN AL-HALABI AND KHALID AL- ʻANBARI TO ʻABDUR-RAHMAN HASAN AND ʻIMRAN IBN MANSUR

For those who may not be familiar with the four names above, the first two are Arabic speaking preachers who some years ago were charged (and convicted) by numerous scholars for propagating irja that restricts kufr to matters of the heart. They both authored books on the topic of ruling by other than what Allah revealed, and both were rebuked for writing them upon the methodology of the Murjiah. The latter two names are of two English speakers based in the U.K. who produce videos, and at times PDFs, on various subjects of Islam. And after listening to both of them speak (and what concerns us here, write) on the subject matter of ruling by other than what Allah revealed, the arguments and claims they were making all sounded eerily familiar. It then occurred to me that they were just repeating what the former two propagators

[8] Here there needs to be a clarification so as not to cause confusion. Jihad is not simply a means to a goal that can be discarded for another. Jihad is an ʻibadah in its own right. But when a ruler disbelieves, whether that is due to a belief, a saying, or an action, it is legislated to remove him by force.

of irja wrote years ago.

When it became crystal clear they[9] took their corrupt notions in relation to the topic of ruling by other than what Allah revealed from those two individuals found propagating irja, I wanted to find definite proof. In any case, by just examining the arguments of the parties in question, one can tell that they were identical. Examples of that include the facts that all of them distort the speech of Shaykhul-Islam ibn Taymiyyah and other 'ulama to fit inside a creed based upon irja; alleges there is in an ijma' that ruling by other than what Allah revealed is minor kufr; the ruler who substitutes the ruling of Allah for another ruling in its place does not disbelieve unless he claims it is from Allah; the ruler by other than what Allah revealed does not disbelieve unless he tells us what is in his heart (i.e., that he believes it is permissible or that he rejects it), and so on. But simply having a clear cut reference to one or both would have added more clarity. And all praise belongs to Allah, I found it.

In 'Abdur-Rahman Hasan's short booklet *Ruling By Other Than What Allah Has Revealed* he references directly to one of the books that was rebuked for calling to irja: *Warning from the Fitnah of Takfir* by 'Ali Hasan al-Halabi. Referenced in the booklet solely as: *Fitnah al-Takfir,* it is mentioned once on page 17, footnote 53; another on page 19, footnote 60; and finally on page 21, footnote 69. From those who reprimanded the two authors, who 'Abdur-Rahman Hasan (may Allah guide him) is following in this topic, for writing their books upon the school of thought of the Murjiah, was the Standing Committee for Scientific Research and Verdicts based in Arabia. And to see what exactly the Standing Committee had to say about that work 'Abdur-Rahman Hasan refers to in his footnotes, alongside the book by al-'Anbari whose arguments he repeats, their words are cited on the following pages before moving on and going into the actual booklet.

[9] I say 'they', but it is 'Abdur-Rahman Hasan with 'Imran ibn Mansur following suit.

CLARIFICATION FROM THE STANDING COMMITTEE CONCERNING THE WARNING FROM THE BOOKS: *WARNING FROM THE FITNAH OF TAKFIR* AND *THE CRY OF THE WARNER* BY 'ALI HASAN AL-HALABI

After introducing the topic, they stated: Following the study and examination carried out by the Standing Committee of the two aforementioned books, it has become clear to the Standing Committee that what he attached to the words of the 'ulama in his introduction and his footnotes, comprises the following:

1 - Its author based the book upon the false, innovated school of thought of the Murjiah, those who constrict kufr to the kufr of juhud, takdhib, and istihlal al-qalbi (i.e., believing something permissible in the heart that is forbidden), as what shows on page six and the footnote on page 12. This conflicts with what Ahlus-Sunnah wal-Jama'ah is upon, in the fact that kufr could occur due to i'tiqad (belief); due to qawl (statement); due to fi'l (action), and due to shakk (uncertainty).

2 - Its distorted citation from ibn Kathir from *Al-Bidayah wan-Nihayah*, 13/118. The author mentions in the footnote on page 15, referencing ibn Kathir, that Genghis Khan claimed that the Yasiq was from Allah and that this was the reason for their kufr. But when you return back to the referenced passage that he attributes to ibn Kathir, may Allah (*ta'ala*) have mercy on him, that is not present.

3 - Its saying about Shaykhul-Islam ibn Taymiyyah, may Allah (*ta'ala*) have mercy on him, on pages 17 and 18, when the compiler of the aforementioned book attributes to him that replacing the ruling [of the Shari'ah] according to Shaykhul-Islam is not kufr except due to acknowledgement, belief, and making it permissible. And this is an unfounded statement to Shaykhul-Islam ibn Taymiyyah, may Allah (*ta'ala*) have mercy on him. He was an advocate of the school of thought of Ahlus-Sunnah wal-Jama'ah, and their way has already

preceded. Whereas, this (i.e., what the author attributed to ibn Taymiyyah) is the school of thought of the Murjiah.

4 - Its distortion of the intended meaning of the eminent al-'Allamah, Shaykh Muhammad ibn Ibrahim, may Allah (ta'ala) have mercy on him, in his essay *Tahkim al-Qawanin*. The compiler of the aforementioned book claims that the shaykh placed believing it permissible in one's heart as a condition [for one to fall into kufr], even though the words of the shaykh are as clear as the sun in his foregoing essay upon the methodology of Ahlus-Sunnah.

5 - His comments upon the statements of those whom he mentioned from the people of knowledge, by implying a meaning from their statements which do not carry that meaning…

6 - In the book there exists a showing of insignificance to ruling by other than what Allah revealed…, claiming that having concern for the realisation of tawhid in this issue has resemblance to the Shi'ah - the Rafidah - and this is a grave error.

7 - By examining the second work: *The Cry of the Warner*, it is like a continuation of the aforementioned book; and its condition is like what has just been described.

For this reason, verily, the Standing Committee views that it is not permitted to publish these two books, nor propagate or circulate them. Due to what they contain from falsehood and distortion. And we advise their author to fear Allah regarding himself and regarding the Muslimin, particularly their youth, and that he strives to gain shar'i knowledge at the hands of the 'ulama, those trustworthy in relation to their knowledge and soundness of belief; moreover, knowledge is a trust, and it is not permissible to propagate it unless it is in accordance with the Book and the Sunnah; and to remove the likes of these opinions and loathsome methods of distorting the statements of the people of knowledge.

And it is known that to return to the truth is a virtue and nobility for a Muslim. And Allah is the granter of success. May the peace and blessings of Allah descend upon our prophet Muhammad, his family, and his companions.[10]

[10] See *At-Tahdhir min al-Irja*, pp. 26-29. Pictured on the following pages.

فتوى رقم (٢١٥١٧) وتاريخ ١٤/ ٦/ ١٤٢١هـ
في التحذير من كتابَي «التحذير من فتنة التكفير»
و«صيحة نذير»

الحمد لله وحده والصلاة والسلام على من لا نبيّ بعده. .
أما بعد:

فإن اللجنة الدائمة للبحوث العلمية والإفتاء اطلعت على ما ورد إلى سماحة المفتي العام من بعض الناصحين من استفتاآت مقيَّدة بالأمانة العامة لهيئة كبار العلماء برقم (٢٩٢٨) وتاريخ ١٣/ ٥/ ١٤٢١هـ. ورقم (٢٩٢٩) وتاريخ ١٣/ ٥/ ١٤٢١هـ. بشأن كِتَابَيْ: «التحذير من فتنة التكفير» و«صيحة نذير» لجامعهما/ علي حسن الحلبي، وأنهما يدعوان إلى مذهب الإرجاء، من أن العمل ليس شرط صحة في الإيمان، وينسب ذلك إلى أهل السنة بالجماعة، ويبني هـٰذين الكتابين على نقول محرفة عن شيخ الإسلام ابن تيمية، والحافظ ابن كثير، وغيرهما رحم الله الجميع، ورغبة الناصحين بيان ما في هـٰذين الكتابين ليعرف القراء الحق من الباطل. . الخ. .

وبعد دراسة اللجنة للكتابين المذكورين، والاطلاع

عليهما؛ تبيَّن للجنة أن كتاب: «التحذير من فتنة التكفير». جَمْع/ علي حسن الحلبي، فيما أضافه إلى كلام العلماء في مقدمته وحواشيه، يحتوي على ما يأتي:

١ ـ بناه مؤلفه على مذهب المرجئة البدعي الباطل، الذين يحصرون الكفر بكفر الجحود والتكذيب والاستحلال القلبي، كما في ص/٦ حاشية/٢، وص/٢٢ وهذا خلاف ما عليه أهل السنة والجماعة: من أن الكفر يكون بالاعتقاد وبالقول وبالفعل وبالشك.

٢ ـ تحريفه في النقل عن ابن كثير ـ رحمه الله تعالى ـ في: «البداية والنهاية: ١٣/١١٨» حيث ذكر في حاشية ص/١٥ نقلاً عن ابن كثير: «أن جنكز خان ادعى في الياسق أنه من عند الله وأن هذا هو سبب كفرهم»، وعند الرجوع إلى الموضع المذكور لم يوجد فيه ما نسبه إلى ابن كثير ـ رحمه الله تعالى ـ.

٣ ـ تقوّله على شيخ الإسلام ابن تيمية ـ رحمه الله تعالى ـ في ص/١٧ ـ ١٨ إذ نسب إليه جامع الكتاب المذكور: أن الحكمَ المبدَّل لا يكون عند شيخ الإسلام كفرًا إلا إذا كان عن معرفة واعتقاد واستحلال. وهذا محض تقوُّل على شيخ الإسلام ابن تيمية ـ رحمه الله تعالى ـ، فهو ناشر مذهب السلف أهل السنة والجماعة ومذهبهم، كما تقدم

وهذا إنما هو مذهب المرجئة.

٤ ـ تحريفه لمراد سماحة العلامة الشيخ محمد بن إبراهيم ـ رحمه الله تعالى ـ في رسالته/ تحكيم القوانين الوضعية، إذ زعم جامع الكتاب المذكور: أن الشيخ يشترط الاستحلال القلبي، مع أن كلام الشيخ واضح وضوح الشمس في رسالته المذكورة على جادة أهل السنة والجماعة.

٥ ـ تعليقه على كلام من ذَكَر من أهل العلم بتحميل كلامهم مالا يحتمله، كما في الصفحات ١٠٨ حاشية/١، ١٠٩ حاشية/٢١، ١١٠ حاشية/٢.

٦ ـ كما أن في الكتاب التهوين من الحكم بغير ما أنزل الله، وبخاصة في ص/٥ ح/١، بدعوى أن العناية بتحقيق التوحيد في هذه المسألة فيه مشابهة للشيعة ـ الرافضة ـ وهذا غلط شنيع.

٧ ـ وبالاطلاع على الرسالة الثانية: «صيحة نذير»، وُجِد أنها كمُسَانِد لما في الكتاب المذكور ـ وحاله كما ذُكِرَ ـ؛ لهذا فإن اللجنة الدائمة ترى أن هـٰذين الكتابين: لا يجوز طبعهما ولا نشرهما ولا تداولهما؛ لما فيهما من الباطل والتحريف، وننصح كاتبهما أن يتقي الله في نفسه وفي المسلمين، وبخاصة شبابهم، وأن يجتهد في تحصيل

العلم الشرعي على أيدي العلماء الموثوق بعلمهم وحُسْن معتقدهم، وأن العلم أمانةٌ لا يجوز نشره إلا على وَفْق الكتاب والسنة، وأن يقلع عن مثل هذه الآراء والمسلك المزري في تحريف كلام أهل العلم، ومعلوم أن الرجوع إلى الحق فضيلة وشرف للمسلم. والله الموفق. وصلى الله على نبينا محمد وآله وصحبه وسلم. . . ،

اللجنة الدائمة للبحوث العلمية والإفتاء

عضو	الرئيس
عبدالله بن عبدالرحمن الغديان	عبدالعزيز بن عبدالله بن محمد آل الشيخ
عضو	عضو
بكر بن عبدالله أبو زيد	صالح بن فوزان الفوزان

CLARIFICATION FROM THE STANDING COMMITTEE FOR SCIENTIFIC RESEARCH AND VERDICTS REGARDING A BOOK ENTITLED: *RULING BY OTHER THAN WHAT ALLAH REVEALED AND THE PRINCIPLES OF TAKFIR*, BY KHALID AL-'ANBARI

All praise belongs Allah and may the peace and blessings of Allah be upon our prophet Muhammad, his family, and his companions. As for what follows…

The Standing Committee for Scientific Research and Verdicts has reviewed the book bearing the title: *Ruling by Other Than What Allah Revealed and the Principles of Takfir*, by Khalid al-'Anbari, and after having studied the book, it has become clear that it contains a breach of the scholarly trust in relaying and transmitting from the 'ulama of Ahlus-Sunnah wal-Jama'ah and distorting the proofs from their meanings as understood from the Arabic language and the goals of the Shari'ah. Examples of such are as follows:

1 - His distortion of the meanings of the legal proofs and the manner of dealing with some of the texts narrated from the people of knowledge, by cropping or changing them so that what is understood from them is other than the intended meaning in its foundational form.

2 - Interpreting some of the sayings of the people of knowledge according to what does not agree with what they meant.

3 - Lying upon the people of knowledge and that is his attributing to al-'Allamah, Shaykh Muhammad ibn Ibrahim Al ash-Shaykh, may Allah have mercy on him, what he did not say.

4 - His claim that there is an ijma' of Ahlus-Sunnah that whoever does not judge by what Allah revealed in tashri' 'am (public legislature) does not

disbelieve unless he considers that permissible in his heart, just like other sins that are less than [major] kufr. This is a pure fabrication upon Ahlus-Sunnah, either due to ignorance or an evil intention. We ask Allah for safety and well-being.

Based upon that, the Committee views it impermissible to print, publish, and sell this book under question, and advises the author to repent to Allah (*ta'ala*) and return to the trustworthy people of knowledge, to learn from them so that they clarify to him his errors.

We ask Allah for guidance, success, and steadfastness upon Islam and the Sunnah for all. May the blessings of Allah descend upon our prophet Muhammad, his family, and his companions.[11]

[11] See *At-Tahdhir min al-Irja*, pp. 21-22. Pictured on the following pages.

بيان من اللجنة الدائمة للبحوث العلمية والإفتاء
بشأن كتاب بعنوان
(الحكم بغير ما أنزل الله وأصول التكفير)
لكاتبه خالد علي العنبري

الحمد لله وحده والصلاة والسلام على نبينا محمد وعلى آله وصحبه وبعد:

فقد اطلعت اللجنة الدائمة للبحوث العلمية والإفتاء على كتاب بعنوان: (الحكم بغير ما أنزل الله وأصول التكفير) لكاتبه خالد العنبري، وبعد دراسة الكتاب اتضح أنه يحتوي على إخلال بالأمانة العلمية فيما نقله عن علماء أهل السنة والجماعة، وتحريف للأدلة عن دلالاتها التي تقتضيها اللغة العربية ومقاصد الشريعة، ومن ذلك ما يلي:

١ ـ تحريفه لمعاني الأدلة الشرعية، والتصرف في بعض النصوص المنقولة عن أهل العلم؛ حذفًا أو تغييرًا على وجه يُفْهَم منها غير المراد أصلاً.

٢ ـ تفسير بعض مقالات أهل العلم بما لا يوافق مقاصدهم.

٣ ـ الكذب على أهل العلم، وذلك في نسبته للعلامة الشيخ محمد بن إبراهيم آل الشيخ ـ رحمه الله ـ ما لم يقله.

٤ ـ دعواه إجماع أهل السنة على عدم كفر من حكم بغير ما أنزل الله في التشريع العام، إلا بالاستحلال القلبي كسائر المعاصي التي دون الكفر، وهذا محض افتراء على أهل السنة؛ منشؤه الجهل أو سوء القصد، نسأل الله السلامة والعافية.

وبناءً على ما تقدم؛ فإن اللجنة ترى تحريم طبع الكتاب المذكور ونشره وبيعه، وتذكِّر الكاتبَ بالتوبة إلى الله تعالى، ومراجعة أهل العلم الموثوقين ليتعلم منهم ويبينوا له زلاته، ونسأل الله للجميع الهداية والتوفيق والثبات على الإسلام والسنة، وصلى الله وسلم على نبينا محمد وآله وصحبه.

اللجنة الدائمة للبحوث العلمية والإفتاء

عضو	الرئيس
عبدالله بن عبدالرحمن الغديان	عبدالعزيز بن عبدالله بن محمد آل الشيخ
عضو	عضو
بكر بن عبدالله أبو زيد	صالح بن فوزان الفوزان

1

CLARIFYING THE METHODOLOGY OF AHLUS-SUNNAH WAL-JAMA'AH AND THE CENSOR OF THE MURJIAH

IN THE BOOKLET by 'Abdur-Rahman Hasan (may Allah guide him), he brings nothing new and builds upon the methodology of al-Halabi and al-'Anbari. Both of whom built their works based upon the foundation of the shaykh of the Murjiah: al-Jahm ibn Safwan. And how strange it is that someone like 'Abdur-Rahman Hasan, who claims to follow Salafiyyah and the people of knowledge and surely came across the verdicts of the Standing Committee, would regurgitate the arguments proposed by the two individuals that were found guilty of distorting the speech of the 'ulama and lying upon Ahlus-Sunnah! No doubt, what has passed by simply relating the condemnation of those two individuals and their arguments, censor both 'Abdur-Rahman Hasan and his student 'Imran ibn Mansur. That being as it may, it is still beneficial to bring into light the fact that 'Abdur-Rahman Hasan, and therefore 'Imran ibn Mansur, are upon a corrupt creed and methodology and are not trustworthy when it comes to taking and relating knowledge from the 'ulama of Ahlus-Sunnah.

In his booklet, 'Abdur-Rahman Hasan states some principles that contain no problem, for the most part, if understood correctly. And how many say true words but come with a false understanding! I would also like to begin by establishing some matters:

First, no doubt, the 'aqidah of Ahlus-Sunnah is pristine and pure; and all praise belongs to Allah, Lord of creation. It is taken from the Clear Book whose "verses were perfected, then presented in detail by One Wise and Informed"[12] and from the authentic Sunnah; and "the best guidance is the guidance of

[12] Surah Hud: 1.

Muhammad (ﷺ).”[13] Generation after generation it was handed down from the Salaf to those who came after them. And at various times, being revived after it looked as if it was close to death. But as the Prophet (ﷺ) said:

لَا يَزَالُ طَائِفَةٌ مِنْ أُمَّتِي ظَاهِرِينَ حَتَّى يَأْتِيَهُمْ أَمْرُ اللَّهِ وَهُمْ ظَاهِرُونَ

“There will not cease to be a group from my ummah manifest [upon the truth] until the command of Allah comes and they are like that.”[14]

In relation to our times, however, those who claim knowledge for themselves and to be upon ad-da’wah as-salafiyyah, have confused the masses on some of the fundamentals of Ahlus-Sunnah. They conform with this creed regarding the names and attributes of Allah (*tabaraka wa ta‘ala*). But oppose it when it comes to the topic of iman and kufr, entering the creed of irja into it. And as it is known, irja is a corrupt creed that ultimately states that one remains a Muslim no matter what action they do as long as they claim to believe in their heart. What has resulted from this is not only slandering those who comply with the creed of Ahlus-Sunnah as ‘Khawarij’ and ‘takfiriyyin’, but also surrendering the lands to clear kuffar murtaddin. And for this, some of the Salaf stated, “I fear the fitnah of the Murjiah for this ummah more than the fitnah of the Azariqah (a sect of the Khawarij).”[15]

Irja has various levels and ways it exhibits itself. The matter is not like some think, where one can simply say with his tongue and pen: “actions are from iman” and not be engrossed in irja if that statement is not in accordance with how the Salaf and the ‘ulama explained it to mean. And it is not surprising that the people who drink from the cup of irja believe that merely saying the aforementioned phrase clears oneself completely from irja. The irony here is obvious. Their belief implies one can consider a man who leads an army of

[13] Related by Muslim.
[14] Agreed upon.
[15] Related by ‘Abdullah ibn Imam Ahmad in his book *As-Sunnah*.

Christians into the lands of Islam to remove the laws of Allah and implement the laws of men, as a Muslim and not be considered to have irja if he does not pronounce takfir of him, as long as he just says that "actions are from iman."

The Murjiah, as a sect that the Salaf warned against, clearly stated that "actions are not from iman," whereas those today do not openly state that in such obvious words. But if we were to remove the garments of deceptions and look at the realities of both of them and look at their common attributes, we notice by Allah's permission, that those today from the people of irja are worse in irja than the 'pure' Murjiah from the time of the Salaf that stated: "actions are not from iman." Because the 'pure' Murjiah would still pronounce takfir of the example given above, but innovated the reason for his kufr and stated that it is evidence that he disbelieved in his heart.[16] They were mainly rebuked by the Salaf for thinking that if one simply leaves the obligations sent down by Allah while not rejecting them is a Muslim. Imam Ishaq ibn Rahawayh (d. 238 H - *rahimahullah*) stated:

غلت المرجئة حتى صار من قولهم إن قوماً يقولون من ترك الصلوات المكتوبات، وصوم رمضان، والزكاة، والحج، وعامة الفرائض من غير جحود لها إنا لا نكفره، يرجؤ أمره إلى الله بعد، إذ هو مقر، فهؤلاء الذين لا شك فيهم (يعني في أنهم مرجئة).

"The Murjiah fell into extremism to the point that some of them said: 'Whoever abandons the obligatory salah, the Ramadan fast, the zakah, the Hajj, and the obligations in general, without denying their obligatory status, then we do not judge them with kufr and leave his matter to Allah thereafter as he acknowledges these obligations.' There is no doubt regarding these people (i.e., that they are Murjiah)."[17]

[16] See al-Mahmud, *Al-Hukm bi Ghayri ma Anzala Allah*, p. 294 (Arabic) or *Man-Made Laws vs. Shari'ah*, p. 280 (English), alongside the discussion and references before and after.
[17] Related by ibn Rajab in *Fath al-Bari*.

While the people of irja today who have attempted to hijack ad-da'wah as-salafiyyah may at times say they believe the one who leaves salah, for example, is a kafir, they say people who assist mushrikin in removing the laws of Allah and place in their stead man-made laws, and whom themselves rule and implement man-made laws, are Muslim rulers whose obedience is obligatory! And there is no doubt that whoever believes such is from the extreme Murjiah, even if they say at the same time: "actions are from iman." An assortment of conflicting statements and actions, due to various reasons of not being able to understand the works of the people of knowledge that landed them into a sea of confusion and contradiction. Allahul-musta'an!

Second, Islam is not merely a thing you claim. There is no Islam with a person except with istislam (submission) and ikhlas (purifying worship for Allah), which includes inqiyad (compliance) to the rulings and commandments of Allah and bara'ah from shirk and its people. Allah (*tabaraka wa ta'ala*) said:

أَفَغَيْرَ دِينِ اللَّهِ يَبْغُونَ وَلَهُ أَسْلَمَ مَن فِي السَّمَاوَاتِ وَالأَرْضِ طَوْعًا وَكَرْهًا وَإِلَيْهِ يُرْجَعُونَ

"Is it other than the din of Allah that they seek? While whatever is in the heavens and earth submits to Him, willingly or by force, to Him they are returned."[18]

Meaning: istislam and inqiyad.[19] Shaykhul-Islam ibn Taymiyyah (d. 728 H - *rahimahullah*) remarked:

لفظ الإسلام يجمع معنيين: أحدهما: الانقياد والاستسلام. والثاني: إخلاص ذلك، ... وله معنيان: أحدهما: الدين المشترك وهو عبادة الله وحده لا شريك له، الذي بعث به جميع الأنبياء، كما دل على اتحاد دينهم نصوص الكتاب والسنة

[18] Surah Al 'Imran: 83.
[19] See the tafsir of the ayah by ibn Kathir and al-Baghawi.

والثاني: ما اختص به محمد صلى الله عليه وسلم من الدين... وله مرتبتان

إحداهما: الظاهر من القول والعمل. وهي المباني الخمسة والثانية: أن يكون ذلك الظاهر مطابقا للباطن

"The word 'islam' encompasses multiple meanings. The first is inqiyad and istislam, and the second is ikhlas in that... And it (i.e., islam) has two meanings. The first is the common din which He sent all the prophets with - to worship Allah alone with no associate with Him - as the texts of the Book and the Sunnah indicate that their din was the same. The second is that which Muhammad (ﷺ) was specified with from the din ... And it [also] has two levels. The first level is those words and deeds manifested externally, and they are the five pillars. The second level is that this manifestation conforms with one's interior."[20]

These five pillars, which represent the reality of Islam in speech and action, both outward and inward, were clarified by the Messenger of Allah (ﷺ) through his statement:

بُنِيَ الإِسْلامُ عَلَى خَمْسٍ: شَهَادَةِ أَنْ لاَ إِلَهَ إِلاَّ اللهُ وَأَنَّ مُحَمَّدَاً رَسُوْلُ اللهَ، وَإِقَامِ الصَّلاةِ، وَإِيْتَاءِ الزَّكَاةِ، وَحَجِّ البِيْتِ، وَصَوْمِ رَمَضَانَ

"Islam has been built upon five: the testimony that there is nothing worthy of worship but Allah and that Muhammad is the Messenger of Allah, establishing the *salah*, giving the *zakah*, performing *hajj* to the Sacred House, and fasting Ramadan."[21]

Thus the Islam with which the Shari'ah of Muhammad (ﷺ) was specified

[20] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 1, p. 14, and v. 19, p. 117.
[21] Agreed upon.

with was not an 'islam' devoid of inqiyad and istislam to Allah. Rather, the five pillars were legislated so that the individual could become a slave exclusively for Allah and submit to Him through tawhid, following the Messenger (ﷺ), and complying with the pillars and rulings. Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (d. 1206 H - *rahimahullah*) condensed the meaning of Islam as:

هو الاستسلام لله بالتوحيد، والانقياد له بالطاعة، والبراءة من الشرك وأهله

"It is istislam to Allah with tawhid; inqiyad to Him with obedience; and bara'ah from shirk and its people."[22]

It is based upon understanding this meaning of what Islam is that necessitated the Sahabah (*radiyallahu 'anhum*) to form a consensus on pronouncing takfir of those who left salah without denying its obligatory status, the tribes that resisted paying the zakah without denying its obligatory status, and the people who worshiped idols they made of righteous people without excusing any of them for any reason. Because all of them lacked the essense of Islam; whether that was istislam and inqiyad to the rulings and laws of Allah or ikhlas in relation to the worship of Allah and His tawhid.

Third, the lack of the essense of Islam can manifest itself in numerous manners. The 'ulama of Ahlus-Sunnah have expounded repeatedly that one can disbelieve not just by having a belief that is kufr, like rejecting something from the din or believing something that is forbidden in the din is permissible. But also due to speech and action. 'Abdur-Rahman as-Sa'di (d. 1371 H - *rahimahullah*) said:

المرتد هو من خرج عن دين الاسلام إلى الكفر بفعل أو قول أو اعتقاد أو شك

[22] See *Usul ath-Thalathah*.

"The apostate is he who went from Islam to kufr by an action or statement or belief or doubt."[23]

The Murjiah oppose Ahlus-Sunnah in this regard and failed (and those today fail) to understand the reality and essence of Islam. And thus they failed and fail to understand the essence of kufr. Sufyan ibn 'Uyaynah (d. 198 H - *rahimahullah*) was asked about irja and replied:

يقولون: الإيمان قول، ونحن نقول: الإيمان قول وعمل، والمرجئة أوجبوا الجنة لمن شهد أن لا إله إلا الله؛ مصراً بقلبه على ترك الفرائض، وسموا ترك الفرائض ذنباً بمنزلة ركوب المحارم، وليس بسواء؛ لأن ركوب المحارم من غير استحلال معصية، وترك الفرائض متعمداً من غير جهل ولا عذر هو كفر

"They say iman is speech, while we say iman is speech and action. The Murjiah oblige Jannah for whoever testifies that there is nothing worthy of worship except Allah while he resolves in his heart to abandon the obligations. They called abandonment of the obligations a sin just like any other sin, although they are not equal, for indulging in the prohibitions without considering it to be permissible is merely sinful; whereas abandoning the obligations deliberately without ignorance or an excuse is kufr."[24]

Notice here how Sufyan ibn 'Uyaynah states that the lack of takfir from the sifat of the Murjiah. Because, no doubt, their belief that "iman is speech" void of action necessitates that. Additionally, the belief of Ahlus-Sunnah that "iman is speech and action" necessitates takfir of those who do not submit and comply to the rulings of Allah and do not single Him out with tawhid. But in contrast to the Khawarij and Mu'tazilah, who believe every action is a condition of iman, Ahlus-Sunnah state the truth in the fact that some actions are a condition for its validity, some a condition for the obligatory iman, and

[23] See *Minhaj as-Salikin,* the chapter on the apostate.
[24] Related by 'Abdullah ibn Imam Ahmad in his book *As-Sunnah.*

others from its perfection.

Here there is a need to comment on some principles ‘Abdur-Rahman Hasan (may Allah guide him) mentioned - all of which he erected as a defense for the tawaghit - that will lead us to the fourth matter. He stated as his second principle: “If an individual falls into a matter of disbelief it does not necessitate that they become a disbeliever.” This is false. It would have been better and accurate for him to say: “There is a difference between takfir of an action and takfir of an individual.” Because that is true. As for the one who falls into kufr, then the default principle is that he is a kafir. But the one who says or does or believes something that is kufr due to a tawil that has some basis or due to ignorance that is the type which is acceptable or due to being forced, then, they have not fallen into kufr to begin with. Moreover, there is a distinction made between matters that are apparent and matters that are obscure. And this issue of ruling by other than what Allah revealed is not obscure. This is another topic that the Murjiah have confused the people in. However, it is a topic that we do not have the space to deal with adequately here.[25]

‘Abdur-Rahman Hasan relates as his third principle: “Disbelief of the ruler does not necessitate the permissibility of rebelling against him.” The topic of khuruj is also outside our scope of the present work. And all praise belongs to Allah, while thinking of putting together this critical analysis, a brother released a video speaking on the issue. One can refer to that, instead.[26]

Abdur-Rahman Hasan sets up his fourth principle as: “The origin of any action that opposes the Shari‘ah is that it is a sin, and to state it is disbelief requires an additional evidence.” There is not much benefit in stating this as a principle for two reasons. First, what goes against the Shari‘ah is of various levels. Second, what the Legislator has judged as kufr or shirk, or as sins less than both, is as He stated. There is no need for additional evidence. What and whoever Allah and His messenger judged as kufr and as a kafir, we judge as

[25] For more in English, see Sultan al-‘Utaybi, *The Sharp Word* and in Arabic, see Abul-‘Ula, *Dawabit Takfir al- Mu‘ayyan*.
[26] See https://youtu.be/A2j7KzyJVd8.

kufr and as a kafir. And what and whoever Allah and His messenger judged as a sin less than kufr and a sinner, we judge to be a sin less than kufr and a sinner. Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) stated:

فإن الكفر والفسق أحكام شرعية، ليس ذلك من الأحكام التي يستقل بها العقل؛ فالكافر من جعله الله ورسوله كافرا، والفاسق من جعله الله ورسوله فاسقا، كما أن المؤمن والمسلم من جعله الله ورسوله مؤمنا ومسلما

"Indeed, kufr and fisq are shar'i rulings; they are not like those matters which are established by the 'aql. The kafir is whoever Allah and His messenger said is a kafir, and the fasiq is whoever Allah and His messenger said is a fasiq, just as the believer and Muslim is whoever Allah and His messenger said is a believer and Muslim."[27]

Rather, when He (*'azza wa jall)* judges something as kufr, there needs to be additional evidence taking it from the known kufr to the metaphorical type, as a very beneficial maxim states:

الكفر عند الإطلاق فهو الأكبر، ولا يحمل على الكفر الأصغر إلا لدليل مُوجِب

"When al-kufr comes unrestricted, then it is major [kufr]. And does not carry the meaning of minor kufr except with the presence of proof."

Muhammad ibnul-Amir as-San'ani (d. 1182 H - *rahimahullah*) said:

الأصل في إطلاقهما (الكفر و الشرك) الكفر الحقيقي

"The default position when they (i.e., kufr and shirk) come unrestricted, is that

[27] See *Minhaj as-Sunnah an-Nabawiyyah*, v. 5, p. 92.

it is the actual kufr."[28]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) stated:

الكفر المطلق لا يجوز أن يراد به إلا الكفر الذي هو خلاف الإيمان لأن هذا هو المعنى الشرعي

"It is not permissible to take the meaning of kufr when it is unrestricted except as the kufr that is the opposite of iman. Because that is the shar'i meaning."[29]

And 'Abdul-'Aziz ibn Baz (d. 1420 - *rahimahullah*) remarked:

الكفر والشرك إذا أطلق بالتعريف هو الكفر والشرك الأكبر

"When kufr and shirk are generally employed with specification (i.e., with alif and lam) it is [in reference to] major kufr and shirk."[30]

The fifth and final matter before moving forward is that this topic of ruling by other than what Allah revealed has been resolved and dealt with by the 'ulama of Ahlus-Sunnah. It is a matter that is lucid and made clear in the Book, Sunnah, sirah, and ijma'. The muhaqqiqin of this ummah (which exclude 'Ali al-Halabi, Khalid al-'Anbari, and their likes), researched it thoroughly and fulfilled their duty to Allah, His Book, His messenger, and the leaders and public of the Muslimin by relaying the truth without hiding anything from it when the calamity of ruling by man-made laws overtook the ummah. Those include Ahmad Shakir and his brother Mahmud Shakir, 'Abdur-Rahman ibn Nasir as-Sa'di, Muhammad ibn Ibrahim,[31] Muhammad Hamid al-Fiqi, Muhammad al-Amin ash-Shanqiti, and others. Not to mention the clear words from Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab and the 'ulama from

[28] Found in *Minhah al-Ghaffar*.
[29] Found in *Sharh 'Umdah al-Fiqh*.
[30] See https://binbaz.org.sa/fatwas/20429/حكم-تارك-الصلاة.
[31] See *A Letter on Ruling by Man-Made Laws*.

Najd on the topic of ruling by other than what Allah revealed.[32] And before all of them was ibn Hazm, ibn Kathir, and others who cited an ijma' that ruling by a law other than the law of Allah is major kufr.

Their conclusions were one in the same: promulgating man-made laws or customs that clash with the law of Allah and seeking judgment from them is major kufr. They refute the notion that all depictions of not ruling by what Allah revealed and seeking judgment from man-made laws is minor kufr and that the one who rules by other than the law of Allah is only kafir if he believes it permissible to do so in his heart or he tells us he rejects the ruling.

Other cases highlighting that are in plenty. One being the book that the two aforementioned verdicts from the Standing Committee referenced earlier are found in. Another being a defense of their verdict against al-Halabi with introductions by 'Abdullah ibn Jibrin, Salih al-Fawzan, 'Abdul-'Aziz ar-Rajihi, Sa'd Al Humayd, and 'Abdullah Al Sa'd.[33] Another was a refutation of al-'Anbari with an introduction by 'Abdullah al-Ghunayman.[34] Another was translated into English as *Man-Made Laws vs. Shari'ah* by 'Abdur-Rahman al-Mahmud. And I could continue. But you understand the point, bi-ithnillah.

'Abdur-Rahman Hasan (may Allah guide him) raises as his fifth principle: "The issue of ruling by other than what Allah has sent down is not specific to any individual." This is a true statement. However, falsehood is intended by it. The command to rule by what Allah revealed is obligatory and applies to everyone. There is no doubt about this. It is not just for those who are labelled as kings or ministers or have the job title of judge. It is applicable to anyone.

'Abdur-Rahman Hasan, however, wants to set this up so he can then claim that judging refers to all actions; and therefore, all people at all times. And so any one who commits a sin, like the action of drinking alcohol, has judged by

[32] For more on what they had to say on ruling by other than what Allah revealed, see Abul-'Ula, *Dawabit Takfir al-Mu'ayyan*.
[33] See Muhammad ad-Dawsari, *Raf' al-La'imah 'an Fatwa al-Lajnah ad-Da'imah*.
[34] See Muhammad al-Hasm, *Ar-Radd 'ala al- 'Anbari*.

other than what Allah has revealed. Because (1) the issue of judging is not restricted to kings, and (2) judgment refers to all actions, according to him - and the Khawarij. It was only the Khawarij who took not ruling by what Allah revealed in all its forms as major kufr and understood it to mean all actions. They declared takfir of the Muslim Ummah based upon this false notion. Whereas, Ahlus-Sunnah do not say every action is a judgment, because that is not how it is used in the Quran and Sunnah.

Ahlus-Sunnah say the truth in that some forms of not ruling by what Allah revealed constitute minor kufr, while some others constitute major kufr. Rather, Ahlus-Sunnah have an ijma' that ruling by and seeking judgment from other than the law of Allah that was revealed upon Muhammad (ﷺ) is major kufr. Alongside the fact that there is an ijma' that drinking alcohol is not major kufr. The condition of 'Abdur-Rahman Hasan is like what transpired from Sufyan ibn 'Uyanah speaking about the Murjiah. The Murjiah today call abandonment of the law of Allah for another law a sin just like any other sin, although they are not equal, for indulging in the prohibitions without considering it to be permissible is merely sinful; whereas abandoning the law of Allah for another law deliberately without ignorance or an excuse is kufr. To substantiate his claim that judging and actions are one in the same, 'Abdur-Rahman Hasan mentions Allah (*tabaraka wa ta'ala*) speaking about the mushrikin:

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ يَتَوَارَىٰ مِنَ الْقَوْمِ مِن سُوءِ مَا بُشِّرَ بِهِ ۚ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ ۗ أَلَا سَاءَ مَا يَحْكُمُونَ

"And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they judge."[35]

[35] Surah an-Nahl: 58-9.

He claims that what is being referred to as judgment is their action of burying their daughters; and so every action is a judgment. However, this is a distortion and covering up the truth - either due to an evil intention or ignorance. If you refer back to some of the most well-known and relied upon books of tafsir (at-Tabari, al-Baghawi, al-Qurtubi, ibn Kathir, ash-Shawkani, as-Sa'di), literally none of them stated that is what the former ayah means. They are in complete agreement that what is being referred to is the mushrikin attributing daughters to Allah, while not being pleased with that for themselves. That becomes clear when the full context of the two former verses are read. Allah (*tabaraka wa ta'ala*) said in the ayah preceding those:

وَيَجْعَلُونَ لِلَّهِ الْبَنَاتِ سُبْحَانَهُ ۙ وَلَهُم مَّا يَشْتَهُونَ

"And they attribute to Allah daughters - exalted is He - and for them is what they desire."

Thus they ruled for themselves what they desired and what they did not desire for Allah. It is this judgment of theirs in which they allocated and attributed daughters to Allah (subhanahu), that He refers to in His statement:

أَلَا سَاءَ مَا يَحْكُمُونَ

"Unquestionably, evil is what they judge."

This is like another ayah where Allah (*tabaraka wa ta 'ala*) said about the evil judgments of the mushrikin:

وَجَعَلُوا لِلَّهِ مِمَّا ذَرَأَ مِنَ الْحَرْثِ وَالْأَنْعَامِ نَصِيبًا فَقَالُوا هَٰذَا لِلَّهِ بِزَعْمِهِمْ وَهَٰذَا لِشُرَكَائِنَا ۖ فَمَا كَانَ لِشُرَكَائِهِمْ فَلَا يَصِلُ إِلَى اللَّهِ ۖ وَمَا كَانَ لِلَّهِ فَهُوَ يَصِلُ إِلَىٰ شُرَكَائِهِمْ ۗ سَاءَ مَا يَحْكُمُونَ

"And they assign to Allah a share of the tilth and cattle which He has created

and say: 'this is for Allah' - according to their claim, and: 'this is for our partners,' But the share of their partners does not reach Allah, while the share of Allah reaches their partners. Evil is what they judge."[36]

'Abdur-Rahman Hasan (may Allah guide him) quotes Shaykhul-Islam ibn Taymiyyah under this principle, when in reality, it is against him. Because Shaykhul-Islam ibn Taymiyyah defines who is considered 'hukkam (lit. rulers)', and - spoiler alert - he doesn't refer it to mean every person who acts is a judge. Shaykhul-Islam stated:

ولما كان العدل لا بد أن يتقدمه علم - إذ من لا يعلم لا يدري ما العدل ؟ والإنسان ظالم جاهل إلا من تاب الله عليه فصار عالما عادلا - صار الناس من القضاة وغيرهم ثلاثة أصناف : العالم الجائر والجاهل الظالم ; فهذان من أهل النار كما قال النبي صلى الله عليه وسلم : " القضاة ثلاثة : قاضيان في النار وقاض في الجنة : رجل علم الحق وقضى به فهو في الجنة ; ورجل قضى للناس على جهل فهو في النار ; ورجل علم الحق وقضى بخلافه فهو في النار " فهذان القسمان كما قال : " من قال في القرآن برأيه فأصاب فقد أخطأ ومن قال في القرآن برأيه فأخطأ فليتبوأ مقعده من النار " وكل من حكم بين اثنين فهو قاض سواء كان صاحب حرب أو متولي ديوان أو منتصبا للاحتساب بالأمر بالمعروف والنهي عن المنكر حتى الذي يحكم بين الصبيان في الخطوط فإن الصحابة كانوا يعدونه من الحكام

"And since it is necessary for knowledge to precede justice - as the one who does not have knowledge, does not know what justice is, and [since] man is an oppressor and ignorant, except the one to whom Allah has turned towards become knowing and just - then the people amongst the judges and other than them become divided into three groupings: (1) The knowing oppressor and (2) the ignorant oppressor and these two are from the people of the fire, as the

[36] Surah al-An'am: 136.

Prophet (ﷺ) said, 'The judges are three: Two judges are in the Fire and one in Paradise; [which is (3)] the man who knew the truth and judged by it, so he is in Paradise. And a man who made a judgment for the people upon ignorance, then he is in the Fire. And a man who knew the truth and judged in opposition to it, then he is in the Fire.' And these [latter] two types are just as he said, 'Whoever spoke about the Quran with his opinion and was correct, then he has erred, and whoever spoke about the Quran with his opinion and erred, then let him take his seat in the Fire.' Everyone who judged between two people, then he is a qadi (judge), irrespective of whether he is a person of war, or one commissioned into [any position of] office, or appointed in the consideration [of the affairs] of enjoining good and forbidding evil, until even the one who judges between two children regarding [their] handwriting, then the Companions considered [all] such people to be hukkam (rulers)."[37]

Here ibn Taymiyyah states everyone who rules in a dispute is considered a judge and that he must judge by what Allah revealed. And with its wider meaning that refers to justice in opposition to oppression. That is the main gist of what he is pointing out. So the example he mentions about the handwriting of the two children, the one who judges who has the better handwriting is considered a 'hakim' and must judge justly and truthfully. If he fails to do so, then he has not judged by what Allah revealed. This form of not judging by what Allah revealed is a sin and minor kufr.

Under this same 'principle' and in this booklet (where he wants to paint the picture that ruling by other than what Allah revealed by ruling according to man-made laws, is always minor kufr and never major kufr, unless the individual doing so tells us what is in his heart[38]) 'Abdur-Rahman Hasan quotes ibn Hazm. But he doesn't bring all the quotes of ibn Hazm on this topic - for a reason those who know why, know why. And for those who may not know why, then it is due to the unambiguous statements of ibn Hazm on

[37] See ibn Taymiyyah *Majmu' al-Fatawa*, v. 18, p. 170.

[38] And here in the booklet by 'Abdur-Rahman Hasan, he oft-repeats the phrase "this can only be made apparent when the individual informs us...as belief is a matter of the heart." This is batil and built upon the principle of irja which states that we can not judge someone with kufr due to an action alone.

the matter. One of them being:

لا خلاف بين اثنين من المسلمين أن هذا منسوخ ، وأن من حكم بحكم الإنجيل مما لم يأت بالنص عليه وحي في شريعة الإسلام فإنه كافر مشرك خارج عن الإسلام

"There is no dispute even amongst two people from the Muslimin that this (i.e., the Injil) is abrogated and that whoever judges with the ruling of the Injil in a matter that does not have a clear text from the revelation of the Shari'ah of Islam, then, he is a kafir mushrik who left the fold of Islam."[39]

Therefore, if the one who rules in an issue in accordance to the Injil in one issue is a kafir by ijma', then what of the kufr of whoever rules according to man-made laws? No doubt, the kufr is more severe and the ijma' even firmer! No wonder 'Abdur-Rahman Hasan failed to relate this from ibn Hazm.

One last issue needs commenting upon before going forward, and it is 'Abdur-Rahman Hasan's usage of the hadith of Usamah ibn Zayd *(radiyallahu 'anhuma*) where he killed someone on the battlefield after saying 'la ilaha illallah' and him being rebuked for doing so. Why do we need to mention this? Because it is taken as a shield for those who are bent on excusing people who negate the foundational meaning of 'la ilaha illallah'. It was a shield used against Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (*rahimahullah*) when he pronounced takfir of the tawaghit and mushrikin in his time.[40] And it remains a shield used against those who pronounce takfir of the tawaghit and mushrikin of our time. However, there is no proof for them in that hadith and other general ahadith. Because they all point to the simple fact that whoever outwardly expresses Islam is judged with it until something shows that goes against it (like calling upon the dead or ruling by a law other than the law of Allah). Commenting on that hadith of Usamah, ibn Baz stated:

[39] *Al-Ihkam fi Usul al-Ahkam*, v. 5, p. 162.
[40] See *Kashf ash-Shubuhat*.

من أظهر التوحيد والإسلام كف عنه، حتى يعلم منه ما يخالف ذلك، الذي قتله أسامة ظن أنه قالها تعوذة خوفا من السلاح فقتله، فخطأه النبي ، وبين له أن الواجب الكف عنه، حتى ينظر في أمره

"Whoever outwardly shows tawhid and Islam is left alone until it is known from him what goes against that (i.e., tawhid and Islam). Usamah thought the one he killed only said it (i.e., la ilaha illallah) out of fear of the sword, so he killed him. The Prophet mentioned that was a mistake and clarified to him that it was compulsory to refrain from him until his affair was looked at."[41]

After laying out the above principles, 'Abdur-Rahman Hasan then embarks on a mischievous path and alleges that it is a 'detailed explanation.' However, it only details his irja. He resembles someone who took a pile of yarn and entangled it together to the point where it becomes a big knotted, matted mess. And this is what you will find repeatedly with misguided individuals who are pressed to misguide this ummah. They mix up matters so much to the point that one needs to completely detangle them and start from scratch to properly explain the issue at hand. And here in this piece by 'Abdur-Rahman Hasan it is no different. It is not a case where there are just a few errors that need commenting upon. It is foundationally corrupt.

The conclusion he wants the reader to come to is that ruling by other than what Allah revealed in all its forms - even if you replace the law of Allah with another law of your own or with a law formulated by a kafir from Britain - is minor kufr unless you have a kufri belief in your heart and tell us this. And thus the tawaghit who do this, can not be declared to be kuffar. This falsehood becomes evident from different angles that can be made into foundations. Because we need a decent foundation before we start building.

[41] See ibn Baz, *Sharh Kashf ash-Shubuhat*, p. 114.

2

THE HUKM BELONGS TO ALLAH

THE DIN OF Islam and tawhid which all the Prophets came with is to single out Allah (*'azza wa jall)* with what is particular to Him - things like creating, providing, managing the affairs, and so on. Matters of rububiyyah that everyone should know. Included in that, of course, is 'ibadah - in addition to ruling and legislating. At times the latter two fall under the tawhid of rububiyyah[42] and at times fall under the tawhid of uluhiyyah.[43] All of those matters belonging to Allah (*subhanahu wa ta'ala*). And whoever directs any of that to other than Allah is a mushrik kafir. 'Abdur-Rahman as-Sa'di stated:

فإن حد الشرك الأكبر وتفسيره الذي يجمع أنواعه وأفراده أن يصرف العبد نوعا أو فردا من أفراد العبادة لغير الله. فكل اعتقاد أو قول أو عمل ثبت أنه مأمور به من الشارع. فصرفه لله وحده توحيد وإيمان وإخلاص وصرفه لغيره شرك وكفر. فعليك بهذا الضابط للشرك الأكبر الذي لا يشذ عنه شيء.

"Major shirk has a definition that encompasses both its categories and elements. That being: that the slave gives a category or element of 'ibadah to other than Allah. Thus every belief or saying or action, which is confirmed to be ordered by the Legislator (i.e., Allah), then, it is given to solely to Allah with tawhid, iman, and ikhlas. And giving a portion of it to other than Him is major shirk. So hold on to this criteria for major shirk which leaves no ambiguity."[44]

And indeed, when Allah (*subhanahu wa ta'ala*) sent His messenger Muhammad (ﷺ) with this honorable din, which took people out from darkness into light,

[42] This is when it is in relation to Allah (*tabaraka wa ta'ala*).
[43] This is when it is in relation to the slaves of Allah.
[44] See *Al-Qawl as-Sadid fi Maqasid at-Tawhid*, the comments at the end of ch. 10.

people at that time were swinging in the darkness of ignorance and misguidance, sinking in the sea of myths and obsolete traditions which they inherited from their fathers and ancestors in every aspect of their lives: beliefs, worship, legal proceedings, and judgments. Their beliefs and worship were based on shirk with Allah (*subhanahu wa ta'ala*), as they associated partners and equals with Him from trees, stones, angels, shayatin, humans, and others, gaining closeness to them with various types of means which are prohibited to be given to other than Allah, means such as: slaughtering, swearing oaths, and other than them.

As for legal proceedings and judgments, they were no less misguidance and corrupt in comparison with their way of worship as they used to constitute tawaghit who handled those proceedings between people in every dispute they have in aspects of wealth, blood, honor, and other than that. They would establish one of these [tawaghit] in every district, and if the sentencing is issued then it was applied with no objection or review in spite of it being oppressing. When Allah sent Muhammad (ﷺ) with this pure Shari'ah he abolished these traditions and eradicated them and confined worship to be for Allah (*subhanahu wa ta'ala*) and confined legal proceedings and seeking judgment to the Shari'ah of Allah. He (*ta'ala*) said:

إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ

"The hukm (ruling/judgment) is for none except Allah. He has commanded that you worship none except Him..."[45]

And when He (*ta'ala*) said, "The hukm is for none except Allah," [this] restricts ruling to the Shari'ah of Allah. And: "He has commanded that you worship none except Him," means to restrict worship to Allah (*subhanahu wa ta'ala*) with a way of confining the worship to Him (*ta'ala*) in the most significant and stressed way: negation and making an exception.[46]

[45] Surah Yusuf: 40.
[46] See Hamud ibn 'Uqla, *The Verdict Pertaining to Seeking Judgment from Fabricated Man-Made Law.*

Commenting upon that preceding ayah, as-Sa'di stated:

فهو الذي يأمر وينهى، ويشرع الشرائع، ويسن الأحكام

"Therefore, He it is who commands and prohibits, legislates laws, and promulgates rulings."[47]

So if He is the only one who legislates and promulgates laws and rulings, what is the ruling on the slave who legislates and promulgates laws and rulings, as well? To assist in answering this, the author of *Adwan al-Bayan* remarked:

الإشراك بالله في حكمه والإشراك به في عبادته كلها بمعنى واحد لا فرق بينهما البتة

"Committing shirk with Allah in His rule is just like committing shirk with Him in His worship. Both of them carry the same meaning; there is no difference between them at all."[48]

Allah (*tabaraka wa ta'ala*) said about shirk in 'ibadah:

فَمَن كَانَ يَرْجُو لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا

"So whoever hopes for the Meeting with his Lord, let him work righteousness and do not commit shirk in the worship of his Lord."[49]

And He (*'azza wa jall)* said about shirk in His rule:

لَهُ غَيْبُ السَّمَاوَاتِ وَالْأَرْضِ ۖ أَبْصِرْ بِهِ وَأَسْمِعْ ۚ مَا لَهُم مِّن دُونِهِ

[47] See his tafsir of the ayah in *Taysir al-Karim ar-Rahim*.
[48] See ash-Shanqiti, *Adwan al-Bayan*, v. 7, p. 169.
[49] Surah al-Kahf: 110.

مِن وَلِيٍّ وَلَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا

"To Him belongs the unseen of the heavens and the earth. How clearly He sees and hears! They have no wali other than Him, and He does not have shirk in His rule with anyone."[50]

And in the recitation of ibn 'Amir, the ayah reads in the form of prohibiting:

وَلَا تُشْرِك فِي حُكْمِهِ أَحَدًا

"Do not commit shirk with anyone in His rule."[51]

Therefore, just as anyone who calls upon other than Allah in the unseen or slaughters for other than Allah is a mushrik kafir - regardless of what he claims to believe in his heart - the one who legislates a law or promulgates his or another's own ruling is a mushrik kafir - regardless of what he claims to believe in his heart. This is tawhid. This is Islam. Those who know it, should thank Allah continuously. Because how many claim to be Muslim but do not know this core matter!

However, 'Abdur-Rahman Hasan (may Allah guide him) wants to object to this tawhid and brings multiple shubuhat. One of those being:

> the one who draws a picture falls into a major sin... From these narrations, we understand that Allah named the picture-maker as a creator, while creating is a characteristic and a right of Allah. So will they now state that the picture-maker is a disbeliever?

This shubhah can only come from someone with an extreme deficiency in understanding tawhid. The narrations he is referring to is what is narrated by Imam Muslim (d. 261 H - *rahimahullah*) on the authority of Abu Hurayrah

[50] Surah al-Kahf: 26.
[51] See *Adwan al-Bayan* and the tafsir of surah Yusuf, ayah 40.

(*radiyallahu 'anhu*), that Rasulullah (ﷺ) said:

قال الله عَزَّ وَجَلَّ ومَن أظلم ممَّن ذهب يَخلق كخَلْقي

"Allah (*'azza wa jall)* said: Who is more unjust than one who tries to create a creation like My creation."

The other one being the narration from ibn Mas'ud (*radiyallahu 'anhu*), that Rasulullah (ﷺ) stated:

إِنَّ أَشَدَّ النَّاسِ عَذَابًا عِنْدَ الله يَوْمَ الْقِيَامَةِ المصُوِّرُونَ

"Verily, the people who will receive the severest punishment from Allah on the Day of Resurrection will be the picture makers."[52]

However, the picture-maker in reality is not a creator. Allah is the only creator in truth. What the picture-maker does is merely form the creation of Allah into shapes and images. That is why at the end of the first narration, Allah speaks about their inability:

فَلْيَخْلُقُوا ذَرَّةً أَوْ لِيَخْلُقُوا حَبَّةً أَوْ لِيَخْلُقُوا شَعِيرَةً

"Let them create an atom, or let them create a seed, or let them create a grain of barley."

In addition, the picture-maker very well could be a kafir. And in the narrations mentioned above, most 'ulama said they are in reference to the kafir who makes images in order to be worshipped or intends to compete with Allah in creating.[53] And as we just read above, there is no difference in the one who worships an idol or legislates a law. Therefore, the one who makes an image in order to be worshipped is just like the one who promulgates a law in order to

[52] Agreed upon.
[53] See the various explanations of *Kitab at-Tawhid* and the chapter on picture-makers for more.

be followed and implemented. They are both mushrikin kuffar.

And if this is the case concerning someone who engraves images after the fashion of what Allah (*ta'ala*) has created, what then of those who equate themselves with the Lord of creation, liken themselves to Him and directly claim attributes that belong solely to Him? Allah created the creation to worship Him alone and legislated for them a din; nothing deserves anything that belongs to Allah. Equating a creature to the Creator by directing something due to Allah to other than Him and setting up a partner in something that is unique to Allah (*ta'ala*) is the greatest sin by which Allah has been disobeyed. And for this, His sent the Messengers and revealed the Books to explain shirk and prohibit from it, and to purify everything that is particular to Allah (*ta'ala*) for Him. Thus Allah (*ta'ala*) delivered His messengers and those who obeyed them and destroyed whoever rejected tawhid and insisted upon shirk…[54]

So this shubhah (misconception) crumbles in on itself. For the reasons above, and due to it contravening the ijma' of the Muslimin, it can not be used to excuse the mushrikin who compete with Allah in rule and legislature.

[54] Adapted from the words Shaykh 'Abdur-Rahman Al ash-Shaykh in *Fath al-Majid*, ch. 60.

3

THE IJMA' OF THE MUSLIMIN

THE MUSLIMIN HAVE a consensus that whoever substitutes a law from the Shari'ah of Islam and seeks judgment from another law is a kafir. Imam ibn Kathir (d. 774 H - *rahimahullah*) related:

فمن ترك الشرع المحكم المنزل على محمد بن عبدالله خاتم الأنبياء وتحاكم إلى غيره من الشرائع المنسوخة كفر، فكيف بمن تحاكم إلى الياسا وقدمها عليه؟! من فعل ذلك كفر بإجماع المسلمين

"Whoever abandons the ruling law revealed upon Muhammad ibn 'Abdillah, the Seal of the Prophets (ﷺ), and seeks judgment from other than it from the abrogated laws disbelieves; so what of those who seek judgment from the Yasa[55] and place it in front of it? Whoever does that disbelieves according to the consensus of the Muslimin."[56]

Notice here that ibn Kathir did not say "whoever informs us...because belief is a matter of the heart." He did not say: "Whoever believes and tells us that the Yasa is better than the law of Allah or tells us that he rejects the ruling of Allah or tells us that he believes it is permissible to rule by another law other than the law of Allah or tells us that he believes it is equal with the law of Allah." He did not say: "Whoever tells us that he believes the Yasa is from Allah disbelieves according to the consensus of the Muslimin." Although, all those forms are major kufr; he stated in clear terms that "whoever does that disbelieves according to ijma'." Does what? Abandons the law revealed upon

[55] The Yasa, also called the Yasaq or Yasiq, was the book of laws put together by Ghenghis Khan and subsequently sought judgment from by those who came later and claimed to be Muslim.
[56] See *Al-Bidayah wan-Nihayah*, v. 13, p. 128.

Muhammad ibn ‘Abdillah, the Seal of the Prophets (ﷺ), and seeks judgment from other than it. This is in clear reference to one’s action and not one’s belief in the heart. What emphasizes this consensus is the ijma’ cited by ibn ‘Abdil-Barr (d. 463 H - *rahimahullah*) from Imam Ishaq ibn Rahawayh (*rahimahullah*):

وقد أجمع العلماء أن من سب الله عز وجل أو سب رسول الله صلى الله عليه وسلم أو دفع شيئا أنزله الله أو قتل نبيا من أنبياء الله وهو مع ذلك مقر بما أنزل الله أنه كافر

“The ‘ulama have agreed that whoever insults Allah (*‘azza wa jall)* or insults the Messenger of Allah (ﷺ) or dismisses anything that Allah revealed or killed a prophet from the Prophets of Allah - even though he affirms and acknowledges what Allah revealed - is a kafir.”[57]

This consensus supports the ijma’ cited by ibn Kathir and nullifies the claim that the only depictions of not ruling by what Allah revealed that are major kufr are matters related to belief in the heart. Because ‘dismisses (دفع)’ in the text above does not refer to juhud or takdhib of the heart, as the imam said: “even though he affirms and acknowledges what Allah revealed.” What it means is going against what Allah revealed and abstaining from accepting and complying with it. Its practical example would be saying usury is not forbidden, while he affirms it is haram, or he makes the punishment for the one who commits fornication imprisonment, while he affirms the ruling is stoning or lashing. Thus the individual in the two cases above lacks inqiyad and taslim to the ruling of Allah. And as was highlighted earlier, inqiyad and taslim are necessary for the validity of one’s iman. Additionally, kufr can manifest itself through actions. This contrasts to the one who has inqiyad and taslim that the punishment for the zani is stoning or lashing but fails to implement it due to the zani being a close family member.[58]

[57] See *At-Tamhid*, vol. 4, p. 226.
[58] See al-Hasm, *Ar-Radd ‘ala al-‘Anbari.*

And like what has past, ibn Hazm related a consensus on this topic, as well. But to remind the reader, he stated:

لا خلاف بين اثنين من المسلمين أن هذا منسوخ ، وأن من حكم بحكم الإنجيل مما لم يأت بالنص عليه وحي في شريعة الإسلام فإنه كافر مشرك خارج عن الإسلام

"There is no dispute even amongst two people from the Muslimin that this (i.e., the Injil) is abrogated and that whoever judges with the ruling of the Injil in a matter that does not have a clear text from the revelation of the Shari'ah of Islam, then, he is a kafir mushrik who left the fold of Islam."[59]

Thus the one who judges in a case or issue in accordance to the Injil is a kafir by ijma' and this is what ibn Kathir was referencing to stress the fact that whoever seeks sudgment from Yasa is a kafir. Multiple 'ulama have continued to relay this consensus in reference to our specific situation - due to the obvious similarity. One of those was Shaykh Mahmud Shakir. He (d. 1418 H - *rahimahullah*) said:

فلم يكن سؤالهم عما احتج به مبتدعة زماننا من القضاء في الأموال والأعراض والدماء بقانون مخالف لشريعة أهل الإسلام، ولا في إصدار قانون ملزم لأهل الإسلام بالاحتكام إلى حكم غير حكم الله في كتابه وعلى لسان نبيه صلى الله عليه وسلم، فهذا الفعل إعراض عن حكم الله، ورغبة عن دينه، وإيثار أحكام الكفر على حكم الله سبحانه وتعالى، وهذا كفر لا يشك أحد من أهل القبلة ...

"Their question[60] was not about what the innovators of our time debate with concerning the judgment upon wealth, honor, and blood in accordance to laws that clash with the law of the people of Islam. Nor about issuing laws that are

[59] *Al-Ihkam fi Usul al-Ahkam*, v. 5, p. 162.
[60] In reference to the Ibadiyyah, a sect of the Khawarij, asking Abu Maljiz about some of their rulers.

binding upon the people of Islam and force them to resort to a ruling other than the ruling of Allah found in His Book or upon the tongue of His prophet (ﷺ). This action is turning away from the ruling of Allah,[61] abandoning His din, and placing the rulings of kufr over the ruling of Allah (*subhanahu wa ta'ala*). This is kufr that no one from the people of the Qiblah doubts..."[62]

So the reality surrounding this issue is that there is an ijma' that seeking judgment from other than what Allah revealed is kufr. And a consensus is a binding proof. Allah (*tabaraka wa ta'ala*) said:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَى وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّى وَنُصْلِهِ جَهَنَّمَ وَسَاءَتْ مَصِيرًا

"And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination."[63]

Ibn Hazm (d. 456 H - *rahimahullah*) commented:

ومن خالفه بعد علمه به، أو قيام الحجة عليه بذلك: فقد استحق الوعيد المذكور في الآية

"Whoever goes against it (i.e., the consensus) after coming to know of it, or after proof has been established regarding it, is deserving of the warning mentioned in the ayah."[64]

And Imam ash-Shafi'i (d. 204 H - *rahimahullah*) stated:

أمرُ رسول الله صلى الله عليه وسلم بلزوم جماعة المسلمين

[61] The opposite of inqiyad and taslim to the ruling of Allah.
[62] See his comments upon *Tafsir at-Tabari*, v. 10, p. 348.
[63] Surah an-Nisa: 115.
[64] See *Maratib al-Ijma'*, p. 7.

مما يحتج به من أن إجماع المسلمين - إن شاء الله - لازم

"The order of the Messenger of Allah (ﷺ) to stick to the jama'ah of the Muslimin is used as evidence that the ijma' of the Muslimin - in sha Allah - is binding."[65]

And al-Qadi Abu Ya'la (d. 458 H - *rahimahullah*) said:

الإجماع حجة مقطوع عليها، يجب المصير إليها، وتحرم مخالفته، ولا يجوز أن تجتمع الأمة على الخطأ

"Ijma' is a binding proof which is obligatory to comply with and is forbidden to go against; it is not possible for the ummah to agree on error."[66]

Thus there should be no consideration to those who today oppose the ijma' related by ibn Hazm, ibn Kathir, and others. One would assume that anyone who contends to be a student of knowledge and discusses the issue would relate the ijma' of these two authorities. However, 'Abdur-Rahman Hasan (may Allah guide him) fails to relate this ijma' and instead mentions the shubhah that his mentors al-Halabi and al-'Anbari brought. That being: replacing the ruling of Allah with another ruling is only kufr if he claims it is from Allah. For proof, he lies upon Shaykhul-Islam ibn Taymiyyah and gives the impression that ibn Taymiyyah agrees with him on his assertation. Shaykhul-Islam said:

والإنسان متى حلل الحرام المجمع عليه ، أو حرم الحلال المجمع عليه ، أو بدل الشرع المجمع عليه ، كان كافرا مرتدا باتفاق الفقهاء

'Abdur-Rahman Hasan translated this as:

[65] See *Ar-Risalah*, p. 403.
[66] See *Al-'Uddah fi Usul al-Fiqh*, v. 4, p. 1058.

> Whenever a human makes permissible that which is prohibited by consensus, or prohibits that which is permissible by consensus, or replaces the legislation on which there is a consensus [and ascribes it to Allah], they become a disbeliever, an apostate with the consensus of the Fuqaha.

Indeed, we belong to Allah and to Him we return! Look at how 'Abdur-Rahman Hasan simply slips in "and ascribes it to Allah" to fool the reader into believing that is what ibn Taymiyyah meant. Shaykhul-Islam merely stated: "or substitues the law that is agreed upon."[67] But 'Abdur-Rahman Hasan did not come up with this on his own.

As pointed out in the beginning, the booklet under scrutiny here is essentially taken from al-Halabi's book that was forbidden to be published and propagated irja: *Warning from the Fitnah of Takfir*. 'Abdur-Rahman Hasan merely relays the argument of al-Halabi. In the book of al-Halabi he brings a quote from ibnul-'Arabi al-Maliki and mentions al-Qurtubi and ash-Shanqiti that in order for tabdil to be considered kufr one must assert the ruling is from Allah. And lo and behold, 'Abdur-Rahman Hasan also relays the exact same quote from ibnul-'Arabi al-Maliki and proclaims: "al-Qurtubi and Muhammad al-Amin ash-Shanqiti understood it like this." Likewise, before 'Abdur-Rahman Hasan there was al-'Anbari who put forward the same shubhah:

التبديل في الحكم في اصطلاح العلماء هو: الحكم بغير ما أنزل الله، على أنه من عند الله، كمن حَكَم بالقوانين الفرنسية وقال: هي من عند الله أو من شَرْعِهِ تعالى، ولا يخفى أن الحُكَّام بغير ما أنزل الله اليوم لا يزعمون ذلك؛ بل هم يصرحون أن هذه القوانين محض نتاج عقول البشر القاصرة، والتبديل بهذا المعنى (لا بالمعنى الذي يذهب إليه أهل الغلو) كُفْر بإجماع المسلمين كذا قال

[67] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 3, p. 267.

"Tabdil of the ruling according to the terminology of the 'ulama is to rule by other than what Allah revealed, claiming that it is from Allah. For example, the one who rules by French laws says: 'this is from Allah' or 'this is what He (*ta'ala*) legislated.' It is not hidden that those who rule by other than what Allah revealed today do not claim that. Rather, they state that these laws are purely the product of the minds of men. And tabdil according to this meaning (not the meaning the extremists take) is kufr according to the ijma' of the Muslimin."[68]

Salih al-Fawzan said in refutation of al-'Anbari when he first mentioned that absurd claim some years ago:

هذا التبديل الذي ذكرتَ أنه كُفْر بإجماع المسلمين، هو تبديل غير موجود، وإنما هو افتراضي من عندك، لا يقول به أحد من الحكام اليوم ولا قبل اليوم، وإنما هناك استبدال هو اختيار جعل القوانين الوضعية بديلة عن الشريعة الإسلامية، وإلغاء المحاكم الشرعية، وهذا كفر - أيضًا

"This tabdil that you mentioned is kufr by the consensus of the Muslimin is a tabdil that is non-existent. It is only a baseless claim of yours. No one from the rulers of today or before ever said such. Here it is only istibdal and choosing to make the fabricated man-made laws an alternative for Islamic law and cancelling the shar'i courts; and this is kufr, as well."[69]

The ijma' and the points above nullify such a claim 'Abdur-Rahman Hasan puts forward. In addition to the fact that whoever lies upon Allah and says this is from Allah, is a kafir whether or not he rules according to what he alleges is from Allah. He could never judge in a matter in his entire life and be a kafir for lying upon Allah. That is kufr on its own. Whereas the matter at present is concerning ruling and judging between parties in disputes that occur. And not only is the one who rules in accordance to other laws instead of Allah a kafir,

[68] *Hazimah al-Fikr at-Takfir*, p. 27. In addition to al-'Anbari, you will find 'Abdul-'Aziz ar-Rayyis, who is a well-known Murji, make the same claim.
[69] See *At-Tahdhir min al-Irja*, p. 34.

he is a head from the heads of the tawaghit!

Shaykh al-Mujaddid Muhammad ibn ‘Abdil-Wahhab (*rahimahullah*) stated in his treatise listing the heads of the tawaghit:

الثاني: الحاكم الجائر المغير لأحكام الله تعالى، والدليل قوله تعالى: ألم تر إلى الذين يزعمون أنهم آمنوا بما أنزل إليك وما أنزل من قبلك يريدون أن يتحاكموا إلى الطاغوت وقد أمروا أن يكفروا به ويريد الشيطان أن يضلهم ضلالاً بعيداً

الثالث: الذي يحكم بغير بما أنزل الله، والدليل قوله تعالى: ومن لم يحكم بما أنزل الله فأولئك هم الكافرون

“The second: The tyrant ruler who substitutes and changes the rulings of Allah (*ta‘ala*). And the evidence is His (*ta‘ala*) saying: ‘Have you not seen those who claim that they believe in that which has been sent down to you and that which was sent down before you, while they wish to go for judgment [in their disputes] to the taghut although they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray.’

“The third: The one who rules by other than what Allah has revealed. And the evidence is His (*ta‘ala*) saying: ‘And whoever does not judge by what Allah revealed - then it is those who are the kafirun.’ ”[70]

The difference between these two is that the first one is the one who takes on the description of legislating and promulgating laws, even though he may never rule by them directly. While the second one the shaykh (*rahimahullah*) mentions is the one who judges in accordance to laws that clash with the law of Allah. There is no condition that these must ascribe the contradictory laws to Allah in order for it to be considered kufr and them tawaghit.

[70] See his *Risalah fi Ma’na at-Taghut.*

In the same context, 'Abdur-Rahman Hasan again misquotes Shaykhul-Islam ibn Taymiyyah to further his agenda. The quote he mentions reads in full as:

الشرع المبدل وهو الكذب على الله ورسوله أو على الناس بشهادات الزور ونحوها ، والظلم البين فمن قال إن هذا من شرع الله فقد كفر بلا نزاع . كمن قال : إن الدم والميتة حلال - ولو قال هذا مذهبي - ونحو ذلك

"The altered legislature: it is to lie upon Allah and His messenger, or upon the people by fictitious testimonials and so on - explicit oppression. So whoever says: 'This is from the legislation of Allah,' has committed kufr without any dispute. Like the one who says: 'Indeed, blood and dead animals are permissible' - even if he says: 'This is my madhhab,' and so on."[71]

That is how the translation should have roughly looked like. However, 'Abdur-Rahman Hasan just translated it as: "al-Tabdil of the legislation is: to lie upon Allah and his Messenger…so whoever says: this is from the legislation of Allah has committed disbelief without any dispute." This is clear distortion of what Shaykhul-Islam is saying or implying. You would not translate it as 'tabdil of the legislation' due to the structure of the sentence - as anyone who knows basic Arabic grammar should know. If it read 'tabdil ash-shar' ', you would translate it as 'Abdur-Rahman Hasan did here. Because in that composition the two words qualify as 'mudaf' and 'mudaf 'alayhi.' But that is not what was written. The translation of 'Abdur-Rahman Hasan makes it seem like ibn Taymiyyah is saying *THE* tabdil, with no other. And notice here how he conveniently left out: "or upon the people by fictitious testimonials and so on." Thus ibn Taymiyyah did not restrict it. And in this section ibn Taymiyyah is listing the meaning of 'shar' ' into three categories according to the customs of the people. He does not imply or hint at the claim that the one who substitutes the law of Allah for another and attributes it to Allah is a kafir, but the one who substitutes the law of Allah for another and attributes it to

[71] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 3, pp. 267-8.

himself or another man is not a kafir. There is no difference in the fact that both of them are kuffar. And you will not find a reputable ‘alim saying there is a difference between them.

‘Abdur-Rahman Hasan (may Allah guide him) contends with this by saying: “Ahl al-Sunnah Wa’l-Jama’ah are unanimously agreed that disbelief is not placed upon the oppressive ruler.” And cites the ijma’ of ibn ‘Abdil-Barr to this effect:

وأجمع العلماء على أن الجور في الحكم من الكبائر لمن تعمد ذلك عالماً به

“The scholars agree that *jawr* in relation to judging is from the major sins - for whoever knowingly and intentionally does it.”

The response to this is found in another piece refuting another misconception propagated by people of irja and defenders of tawaghit. So to save space, you can refer back to that.[72] Nevertheless, this will lead us to a concept that is lost upon many. And it is the difference between not applying the law of Allah and knowingly ruling by a law that directly clashes with the law of Allah. Or as it is more commonly expressed, the difference between tashri’ ‘am and qadiyyah mu‘ayyanah (specific cases). Because it is clear that ‘Abdur-Rahman Hasan is either ignorant of this or disputes it.

[72] See *Is Every Taghut a Kafir?*, p. 18-20. Also see the comments of al-Basha in *Ar-Radd ‘ala al-‘Anbari.*

4

TASHRI' 'AM AND QADIYYAH MU'AYYANAH

MANY INDIVIDUALS HAVE a wrong understanding of what 'qadiyyah mu'ayyanah' entails. They believe that it refers to whoever rules by other than what Allah revealed by replacing one law of Allah in a single case. While they think tashri' 'am is the complete replacement of the Shari'ah with another legislation. This is erroneous. What is intended by 'al-qadiyyah al-mu'ayyanah' is not implementing the law of Allah in a specific instance (i.e., leaving the ruling of Allah in particular cases). Replacing the law of Allah for another does not enter into it at all. An example of this is one who rules by the law of Allah outwardly and inwardly. He rules by the law of Allah in relation to the fornicator and either rules that they are to be stoned or lashed; however, he fails to implement this ruling on a specific person, although it is established that the crime has been committed, due to a bribe or the guilty person being a close relative. So he places a preventative factor or disparages the integrity of one of the witnesses and so on. All the while, he knows the correct ruling and that it should be applied here. This scenario is what is intended when 'qadiyyah mu'ayyanah' is invoked. And it is minor kufr.

'Abdur-Rahman Hasan (may Allah guide him) states: "There is no difference between oppression when ruling and replacement of the ruling; as they both involve changing the rule of Allah." This is wrong. Oppression happens when you leave the ruling of Allah and it could be either major kufr or minor kufr depending on the situation of the judge or ruler. Whereas, the replacement of a ruling for another is major kufr. If one leaves the ruling concerning zakah and does not pay it, he has not changed any ruling. He simply left it. The same applies here in relation to ruling. When the threshold of zakah is reached, it becomes obligatory to pay it; and when the conditions are met to implement a ruling, it becomes obligatory to apply it. Leaving them both is a major sin.

Shortly after stating that wrong assumption, 'Abdur-Rahman Hasan says: "If completely replacing the Shari'ah is major disbelief, this will necessitate that leaving off ruling by the Shari'ah is also major disbelief." Does it, though? Is it reasonable for any sane person to say the one who completely replaces the laws of Allah for other laws remains a Muslim? Surely a young Muslim man who just reached puberty would look twice at that claim and think that can't be right. But here we have people who have studied for years on end propagating it. The falsehood of these claims stem from a multitude of reasons, not least from failing to understand the difference between qadiyyah mu'ayyanah and tashri' 'am. 'Abdur-Rahman Hasan hints at what was mentioned above by defining tashri' 'am as: "This occurs when an individual rules by other than what Allah has revealed making a general legislation and forcing it upon the people under him."[73]

So what is meant by tashri 'am? Tashri' 'am is in reference to the replacement (tabdil) of a ruling of Allah for another, even if it is just one ruling or one issue; therefore, he places this substituted ruling in the place of the ruling of Allah and takes it as the reference point and applies it upon people. The example here is to make the ruling on the fornicator imprisonment, while he knows the ruling of Allah is lashing or stoning (depending on the case). This is kufr and shirk with Allah. It is just like someone slaughtering for other than Allah, even if its occurrence is singular. The worse case scenario of this is similar to what 'Abdur-Rahman Hasan mentioned and what Shaykh Muhammad ibn Ibrahim (d. 1389 H - *rahimahullah*) mentioned as:

وهو أعظمها وأشملها وأظهرها معاندة للشرع، ومكابرة لأحكامه، ومشاقّة لله ورسوله، ومضاهاة بالمحاكم الشرعية، إعدادا وإمدادا وإرصادا وتأصيلا، وتفريعا وتشكيلا وتنويعا، وحكما وإلزاما، ومراجع ومستندات. فكما أنّ للمحاكم الشرعية مراجعَ مستمدّات، مرجعها كلُّها إلى كتاب الله وسنة رسوله صلى الله عليه وسلم، فلهذه المحاكم مراجعٌ، هي: القانون

[73] This is correct in one sense but is not as clear as other definitions and requires explaining..

المُلفّق من شرائعَ شتى، وقوانين كثيرة، كالقانون الفرنسي، والقانون الأمريكي، والقانون البريطاني، وغيرها من القوانين، ومن مذاهب بعض البدعيين المنتسبين إلى الشريعة وغير ذلك

فهذه المحاكم في كثير من أمصار الإسلام مهيّأة مكملة، مفتوحةُ الأبواب، والناس إليها أسرابٌ إثْر أسراب، يحكُمُ حُكّامُها بينهم بما يخالف حُكم السُنّة والكتاب، من أحكام ذلك القانون، وتُلزمهم به، وتُقِرُّهم عليه، وتُحتّمُه عليهم. فأيُّ كُفر فوق هذا الكفر، وأيُّ مناقضة للشهادة بأنّ محمدًا رسولُ اللّٰهَ بعد هذه المناقضة

"The greatest, the most encompassing, and the clearest in obstinate opposition to the legislation [of Allah], stubborn arrogance to its rulings, insulting to Allah and His messenger (ﷺ), rivaling the shar'iyyah courts on their preparations, types, appearances, formations, and their applications. Just as the shar'iyyah courts have references, all returning back to the Book of Allah and the Sunnah of His messenger (ﷺ), these courts have references. They are laws taken from the various legislations; like the French law, the American law, the British law, and other than them from the man-made laws. Also, from the schools of some innovators who affiliate themselves to the Shari'ah and so forth.

"These courts are now fully operational in the lands of Islam, their doors open and people entering them one after another. Their judges rule between them with that which opposes the Sunnah and the Book, from those man-made laws, and they impose that on them and approve it for them. Thus what kufr is above this kufr? And what nullification of the testimony that Muhammad is the Messenger of Allah is there after this?"[74]

Utilizing this distincition between the two circumstances is Shaykhul-Islam ibn Taymiyyah. After stating the judge who rules out of ignorance and the judge

[74] See *Risalah Tahkim al-Qawanin* (Arabic) or *A Letter on Ruling by Man-Made Laws* (English).

who rules in contradiction to the truth are from the people of the Fire, he said:

هذا إذا حكم في قضية معينة لشخص، وأما إذا حكم حكماً عاماً في دين المسلمين، فجعل الحق باطلاً، والباطل حقاً، والسنة بدعة، والبدعة سنة، والمعروف منكراً، والمنكر معروفاً، ونهى عما أمر الله به ورسوله، وأمر بما نهى الله عنه ورسوله فهذا لون آخر ...

"And this is when he judged in a specific case (qadiyyah mu'ayyanah) of a person. But if he judged with a general ruling in relation to the din of the Muslimin and made the truth, falsehood and falsehood, the truth; the sunnah, a bid'ah and bid'ah, the sunnah; the good, evil and the evil, good; and forbids from what Allah and His messenger ordered and commands what Allah and His messenger forbids, then this is another category..."[75]

Shaykh 'Abdullah ibn Humayd (d. 1402 H - *rahimahullah*) stated:

يجب أن نفرق في الحكم - بغير ما أنزل الله - بين حالتين
الحالة الأولى: من حكم بين اثنين فمال إلى أحدهما ولم ينفذ حكم الله لقرابة أو شهوة أو تشهيًا, فهذا يحكم عليه بالفسق - كفر دون كفر - ولا يخرج من الإسلام
الحالة الثانية: ومَن أصدر تشريعًا عامًا مُلزمًا للناس يتعارض مع حكم الله فهذا يَخرج من الملة كافرًا

"It is compulsory that we distinguish between two sitatuions in relation to ruling by other than what Allah revealed. First, whoever judges between two people and takes the side of one of them and does not implement the ruling of Allah due to closeness or a desire or greed. This one is judged with fisq - kufr duna kufr - and he does not leave the fold of Islam. Second, the one who promulgates a binding public legislature in contradiction to the ruling of Allah.

[75] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 35, p. 388.

This removes one from Islam and makes him a kafir."[76]

Knowing all that has preceded, you know the corrupt understanding of those who ask the question: "How many times does it take for one to rule by other than what Allah revealed in order to be a kafir?" Shaykh Nasir al-Fahd was asked and responded to this same misconception.

> **Question**: From the well-known types of ruling by other than what Allah has revealed is: The ruler who adheres to the ruling of Allah outwardly and inwardly, however, he makes a judgment based upon a whim and desire in qadiyyah mu'ayyanah, once or twice. As it is well-known he does not disbelieve, as it is the madhhab of the Salaf. Is this correct? What is the ruling on whoever applied takfir upon him concerning a few cases?
>
> **He answered, may Allah protect him**: This issue became obscure to many brothers, that even the Murjiah were able to overcome them. From that is the debate in the recording between (...)[77] and another who views the ruler that rules by other than what Allah revealed disbelieves. So (...) asked him: "What if he judges [by other than what Allah revealed] in one matter?" He replied: "He does not disbelieve." Then, he asked: "In two matters?" He replied: "He does not disbelieve." So he (the Murji) would keep increasing it bit by bit until he cornered him. He said to him: "Give me the number which would make him reach kufr." So he was unable to respond. Thus the Murjiah considered these words as a final and decisive blow! Whereas, it is crooked and false.
>
> To sum it up, the ruler in the likes of this situation is of two categories:
>
> First, whoever's authoritative reference source is the Shari'ah in all of his affairs, however, he ruled in some cases in accordance to his whims – not

[76] See ash-Sharidah, *Al-Iman wa Mubtalatuh*, p. 144

[77] The name of the individual in question is unavailable in the original text. Most likely it is in reference to al-Albani as his debate on this matter is widespread. See fn. 82.

> by the Shari'ah. Meaning, he questioned the integrity of the witnesses, for instance, while they are just. Or he put doubts in a condition which is present. Or he mentioned an impediment which does not exist, and similar to that. Thus his main-grounds for judgment is all outwardly from the Shari'ah, but inwardly his desires. This person is a sinner committing a major sin. His sin increases depending on the case he judges, whether few or many. But he does not disbelieve as long as his foundational rule is by the Shari'ah, even if he was an oppressor. If he also leaves off a ruling in some affairs, such as leaving off the ruling upon one of his relatives and upon someone who bribes him with money, and similar to that - then he is an oppressor who is committing a major sin. However, he does not disbelieve because his action (tark - leaving) constitutes a sin and not seeking judgment in accordance to the legislation of the taghut from other laws. Thus there is a difference between whoever left off ruling by what Allah has revealed in cases, and whoever rules by other than what Allah has revealed in cases.
>
> Second, whoever's authoritative reference source is the Shari'ah in all of his affairs, however, in one issue, he looks towards the taghut for judgment. Such as ruling upon a thief, for instance, by French law and fornication with another law, and similar to that. This individual disbelieves even if he only ruled in one matter. Because he ruled by the taghut. Thus if you know the difference between the two issues, the answer to the misconception of the Murjiah would be clear to you. And Allah knows best.[78]

This beautifully explains and succinctly addresses the matter. It accurately summarizes the whole topic. And what is being done here is merely expounding and explaining why that is exactly, while addressing the misconceptions put forward by the people of irja.

But before continuing, I would just like to point out something as a benefit.

[78] See (Arabic and English) *Fatawa al-Ha'iriyyah*, question no. 35.

‘Abdur-Rahman Hasan quotes ibn Shaqiq as stating the Companions (*radiyallahu ‘anhum*) did not view leaving any act as kufr except for salah. And this is true when you understand this to mean that they did not have a *consensus* on leaving an act as being kufr other than the salah. However, *individual* Companions held different opinions in relation to leaving one of the four pillars. Some, like ‘Umar, viewed not performing the Hajj when one is able as being kufr. Others, like ibn ‘Abbas, viewed it kufr to not pay the zakah. And so on.[79] This is due to their understanding of what Islam means and is. It being not just a thing you claim to possess. But a reality that shows on a person, as was mentioned earlier.

There is no doubt that the Companions of Muhammad ibn ‘Abdillah (ﷺ) would have a consensus on the kufr of whoever leaves part of the first pillar (the two testimonies) and turns and erects another pillar. Because seeking judgment from the Book and Sunnah is directly tied to the first pillar. If one seeks judgment from something other than the Book and Sunnah, that first pillar completely collapses with that person having to put another pillar in its stead. And if he claims to be a believer, he is a liar. Allah (*ta‘ala*) said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَن يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَن يُضِلَّهُمْ ضَلَالًا بَعِيدًا

“Have you not seen those who claim that they believe in that which has been sent down to you and that which was sent down before you, while they wish to go for judgment [in their disputes] to the taghut although they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray.”

In his tafsir of this ayah, as-Sa’di (d. 1376 H - *rahimahullah*) stated:

{ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ } وهو كل من حكم بغير

[79] See ibn Rajab, *Jami’ al-‘Ulum wal-Hikam* with the tahqiq of Mahir al-Fahl, pp. 213-8.

شرع الله فهو طاغوت. والحال أنهم { قد أُمِرُوا أَنْ يَكْفُرُوا بِهِ } فكيف يجتمع هذا والإيمان؟ فإن الإيمان يقتضي الانقياد لشَرع الله وتحكيمه في كل أمر من الأمور، فمَنْ زعم أنه مؤمن واختار حكم الطاغوت على حكم الله، فهو كاذب في ذلك

" 'They wish to refer judgment to the taghut, while they were ordered to disbelieve in it.' And it is everyone who rules by other than the law of Allah; he is a taghut, and the reality is that they 'were ordered to disbelieve in it.' So how can this be gathered together with iman? As verily, iman includes inqiyad to the law of Allah and seeking judgment from it in every matter. Thus whoever claims that he is a believer and chooses the ruling of the taghut over the ruling of Allah, then he is a liar."

5

THE OPINION OF IBN ‘UTHAYMIN

‘ABDUR-RAHMAN HASAN claims: “The three major scholars of this time; Shaykh Ibn Baz, Shaykh Ibn ‘Uthaymin and Shaykh al-Albani all agreed that (i.e., ruling by man-made law) is not major disbelief.”[80] This is not accurate. He says this while ibn ‘Uthaymin said commenting upon the words of al-Albani in relation to ruling by other than what Allah revealed:

لكنا قد نخالفه في مسألة أنه لا يحكم بكفرهم إلا إذا اعتقدوا حل ذلك ... وفي ظني أنه لا يمكن لأحد أن يطبق قانون مخالفة للشرع يحكم فيه في عباد الله إلا وهو يستحله ويعتقد أنه خير من القانون الشرعي ، فهو كافر، هذا هو الظاهر . وإلا فما الذي حمله على ذلك ؟

“But we disagree with him (i.e., al-Albani) regarding the matter wherein he does not judge them (i.e., the rulers) with kufr except when they hold that to be permissible... And what appears to me is that it is not conceivable that anyone who implements a law that contravenes the legislation [of Allah] and judges with it between the slaves of Allah except that he permits that and believes that it is better than the shar‘i law. Thus he is a kafir. This is what is apparent. Otherwise, why would he do it?”[81]

Is this being truthful in relating knowledge and the opinions of the scholars? The statements of ibn ‘Uthaymin on this topic are plenty and found in numerous places in his works. But what quote does ‘Abdur-Rahman Hasan decide to bring forth? One quote from ibn ‘Uthaymin that ‘Abdur-Rahman

[80] He later claims that the view he is propagating is the view of the Standing Committee. The same Standing Committee cited in the beginning that said the view he is propagating is the madhhab of irja!
[81] See his comments upon the book of al-Albani: *At-Tahdhir min Fitnah at-Takfir*.

Hasan took from ‘Ali al-Halabi in his book that propagates irja and was forbidden to be published! It seems very deceitful to relay one quote in order to make it seem like ibn ‘Uthaymin is in agreement with your conclusion when it is obvious to everyone who knows the works of ibn ‘Uthaymin that he does not agree with the conclusion of ‘Abdur-Rahman Hasan. If he would have simply stuck to saying: “This was the opinion of Shaykh al-Albani,” then there would have been no problem and that would have been honest. Because al-Albani does agree with the conclusion of ‘Abdur-Rahman Hasan. But that is also due to the fact that Shaykh al-Albani had a misunderstanding in relation to iman and kufr and fell into irja![82]

If we admit that ibn Baz came to the same conclusion of ‘Abdur-Rahman Hasan on this topic (in that those who rule by other than what Allah revealed is always minor kufr unless he tells us in clear words that he disbelieves in the ruling of Allah), then, that is an error from him and from the statements of the people of irja that clashes with the ijma’, along with the Book and the Sunnah. And how excellent do the words ‘Abdur-Rahman Hasan mentioned from ibn Mas‘ud (*radiyallahu ‘anhu*) in the beginning of the booklet fit in here:

أَلَا لا يقلّدنَّ أحدكم دينه رجلًا، إن آمن: آمن، وإن كفر: كفر؛ وإن كنتم لا بدَّ مقتدين، فاقتدوا بالميِّت؛ فإنَّ الحيَّ لا يُؤمن عليه الفتنة

“None of you should blindly follow another man in regards to his din. If he believes, he believes, and if he disbelieves, he disbelieves. And if you must follow, then follow those who have died; for indeed, those who are alive are not safe from fitnah.”[83]

[82] Many people, including ‘Abdur-Rahman Hasan, have tried to apologize for the irja al-Albani propagated. But it is clear. Since many do not have an issue saying Abu Hanifah was from the Murjiah al-Fuqaha, then there should no problem saying that al-Albani was a Murji in iman and kufr. See the short article that condenses the issue with citations from ibn Baz, ibn Jibrin, and al-Fawzan: https://disbelieversinthetaghut.wordpress.com/2019/01/28/the-irja-of-al-albani-by-the-sayings-of-official-scholars-of-saudiyyah/ .

[83] Related by at-Tabarani, no. 8764. In *Majma’ az-Zawaid*, al-Hathaymi said: “Its men are men of the Sahih.”

Imam ash-Shafi'i (*rahimahullah*) replied when asked his position regarding the opinions of individual Sahabah (*radiyallahu 'anhum*):

نصير منها إلى ما وافق الكتاب ، أو السنة، أو الإجماع ، أو كان أصح في القياس .

"We accept those which agree with the Book, Sunnah, ijma', or which is soundest according to [the principles of] qiyas."[84]

So if this is said in relation to some of the best of men to walk this earth after the prophets, it applies even more so to men who come centuries later. And even if there are some issues with the explanations of ibn Baz on this topic, he still has words to the effect that those who rule by and promulgate man-made laws on the wider scale are kuffar. He said in his essay *Refuting Arab Nationalism* about those who set laws that oppose the Quran:

وهذا هو الفساد العظيم والكفر المستبين والردة السافرة كما قال تعالى: "فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما"، وقال تعالى: "أفحكم الجاهلية يبغون ومن أحسن من الله حكما لقوم يوقنون" ... وكل دولة لا تحكم بشرع الله ولا تنصاع لحكم الله فهي دولة جاهلية كافرة ظالمة فاسقة بنص هذه الآيات المحكمات، يجب على أهل الإسلام بغضها ومعاداتها في الله، وتحرم عليهم مودتها وموالاتها حتى تؤمن بالله وحده وتحكم شريعته

"And that is great corruption, clear kufr, and clear apostasy, as He (*ta'ala*) said, 'But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves

[84] Found in *Ar-Risalah*, the chapter on ikhtilaf.

and then find within themselves no discomfort from what you have judged and submit in full submission.' And He (*ta'ala*) said, 'Is it the judgment of ignorance they desire? But who is better than Allah in judgment for a people who are certain [in faith]...' Every state that does not rule by the law of Allah and does not submit to the ruling of Allah is a jahiliyyah, kafirah, dhalimah, fasiqah state based on the evident proof in these clear ayat. It is obligatory on the people of Islam to hate it and show enmity towards it, and it is prohibited for them to love and ally with them until they believe in Allah alone and rule by His law."

In relation to the opinion of ibn 'Uthaymin, like I alluded to above, it is known. He viewed the one who implemented and propagated man-made laws to be a kafir - even if he offers salah, fasts, and performs hajj. In his elucidation of *Usul ath-Thalathah* he stated:

من لم يحكم بما أَنزل الله استخفافا به، أو احتقارا له، أو اعتقادا أن غيره أصلح منه، وأنفع للخلق أو مثله فهو كافر كفرا مخرجا عن الملة، ومن هؤلاء من يضعون للناس تشريعات تخالف التشريعات الإسلامية لتكون منهاجا يسير الناس عليه ، فإنهم لم يضعوا تلك التشريعات المخالفة للشريعة الإسلامية إلا وهم يعتقدون أنها أصلح وأنفع للخلق ، إذ من المعلوم بالضرورة العقلية ، والجبلة الفطرية أن الإنسان لا يعدل عن منهاج إلى منهاج يخالفه إلا وهو يعتقد فضل ما عدل إليه ونقص ما عدل عنه

"Whoever does not rule in accordance with that which Allah has revealed because he thinks little of it or looks down on it or believes that something else is better than it and more beneficial to people or is equal to it, is a kafir whose kufr puts him beyond the pale of Islam. That includes those who promulgate laws for people that are contrary to Islamic laws, to be a system that the people follow. They only promulgate those laws that are contrary to Islamic laws because they believe that they are better and more beneficial for people, as it is known on the basis of reason and sound human nature that no one turns away from one path

to a different path unless he believes that what he has turned to is better and what he has turned away from is deficient."

He has numerous other remarks on this, but they are essentially the same with one conclusion.[85] Mentioning ibn 'Uthaymin's stance brings us to an important clarification. And that is that some scholars state that those who rule by laws contrary to the law of Allah are kuffar due to that action; because that action is clear proof that they (1) reject the hukm of Allah or (2) hold it to be permissible. That action clearly tells us this, even if they claim otherwise. It is another way of explaining the reason for takfir. Just like you may hear scholars say when explaining the shirk and kufr of those who call upon the dead, that those mushrikun only do it because they believe those in the graves have some type of power that only Allah has. Even though we do not care what they believe in their heart as their actions are sufficient, and we judge based upon their actions. Otherwise, why would they call upon the dead in times of need? It is simply adding further explanation to the matter. Some statements from Imam ibn Jarir at-Tabari (d. 310 H - *rahimahullah*) and Shaykhul-Islam ibn Taymiyyah highlight this.

In his well-known tafsir, the imam of the mufassirin, Abu Ja'far ibn Jarir at-Tabari said about the ayah "And whoever does not judge by what Allah revealed - then it is those who are the kafirun," after listing the various opinions concerning its interpretation:

وأولى هذه الأقوال عندي بالصواب، قولُ من قال: نـزلت هذه الآيات في كفّار أهل الكتاب، لأن ما قبلها وما بعدها من الآيات ففيهم نـزلت، وهم المعنيُّون بها ...

[85] Another point to consider here is that there is a distinction between viewing an act as kufr and pronouncing takfir of the doer - as was mentioned in the beginning of this work. Because some may pose a rebuttal to what was said concerning ibn 'Uthaymin and use him not viewing certain rulers as kuffar as proof that he doesn't view ruling by man-made laws as kufr. That is jahl for the reason above.

فإن قال قائل: فإن الله تعالى ذكره قد عمَّ بالخبر بذلك عن جميع منْ لم يحكم بما أنـزل الله، فكيف جعلته خاصًّا؟

قيل: إن الله تعالى عَمَّ بالخبر بذلك عن قومٍ كانوا بحكم الله الذي حكم به في كتابه جاحدين، فأخبر عنهم أنهم بتركهم الحكمَ، على سبيل ما تركوه، كافرون. وكذلك القولُ في كل من لم يحكم بما أنـزل الله جاحدًا به، هو بالله كافر.

"And the first of these opinions is what is correct according to me. The opinion that stated these ayat were revealed concerning the kuffar of Ahlul-Kitab. Because what comes before and after it are revealed about them, and they are the ones specified therein ...

"If it is said: Indeed, Allah (*ta'ala*) generalized this declaration to include everyone who does not judge by what Allah revealed. So how can you restrict it?

"It is said [in reply]: Indeed, Allah (*ta'ala*) generalized this declaration about a people who were rejecting (jahidin) the ruling of Allah that He judged with in His Book. Thus He informed about them in relation to their abandoning the ruling, leaving it the way they did, that they are kafirun. And likewise is the opinion concerning anyone who does not judge by what Allah revealed rejecting it. He is kafir in Allah."

And what exactly was "leaving it the way they did" that suggested that they were rejecting the ruling of Allah? The imam mentioned it previously in the beginning of his tafsir of the ayah:

يقول تعالى ذكره: ومن كتم حُكم الله الذي أنـزله في كتابه وجعله حكمًا بين عباده، فأخفاه وحكم بغيره، كحكم اليهود في الزانيين المحصنين بالتجبيه والتحميم، وكتمانهم الرجم، وكقضائهم في بعض قتلاهم بدية كاملة وفي بعض بنصف الدية، وفي

الأشراف بالقِصاص، وفي الأدنياء بالدية، وقد سوَّى الله بين جميعهم في الحكم عليهم في التوراة=" فأولئك هم الكافرون " يقول: هؤلاء الذين لم يحكموا بما أنزل الله في كتابه، ولكن بدَّلوا وغيروا حكمه، وكتموا الحقَّ الذي أنزله في كتابه ="هم الكافرون"، يقول: هم الذين سَتَروا الحق الذي كان عليهم كشفه وتبيينُه، وغطَّوه عن الناس، وأظهروا لهم غيره، وقضوا به، لسحتٍ أخذوه منهم عليه

"He (*ta'ala*) states: whoever conceals the ruling of Allah which He revealed in His Book and made it a law [to be judged with] between His slaves, and hides it and judges in accordance to other than it - like the Jews who blackened the faces of muhsan adulterers and hid [the ruling] of stoning. Likewise, their judgment for the full blood money concerning some of their killed and half of it for others; and concerning their nobles, [their judgment] of retaliation but for the commoner, blood money. Allah made them all equal in their hukm concerning the Tawrah: 'those are the kafirun.'

"They (i.e., the kafirun) are those who do not judge by what Allah revealed in His Book; rather, they substitute and change His ruling and conceal the truth which He revealed in His Book: 'they are the kafirun.' They are those who concealed the truth, which was upon them to uncover and clarify. But they covered it up to the people and presented something other than it to them and judged in accordance with it due to a bribe they took."

Thus although at-Tabari says that they were jahidin (rejecting), he did not imply that they rejected the ruling of Allah in their hearts or rejected the obligation to rule by what Allah revealed. He clearly states that their action of knowingly replacing the hukm of Allah for another hukm and judging by it, was their rejection of the hukm of Allah. They did not need to "inform us...as belief is a matter of the heart" like 'Abdur-Rahman Hasan claims. Their actions are sufficient. No one with taslim and inqiyad to the rulings of Allah (*tabaraka wa ta'ala*) would substitute or change the rulings of Allah; and anyone

who does is jahid (rejecting) the rulings of Allah. Clarifying this is the statement of Allah (*tabaraka wa ta'ala*):

وَجَحَدُوا بِهَا وَاسْتَيْقَنَتْ هَا أَنفُسُهُمْ ظُلْمًا وَعُلُوًّا فَانظُرْ كَيْفَ كَانَ عَاقِبَةُ الْمُفْسِدِينَ

"And they rejected them, while their [inner] selves were convinced thereof, out of injustice and haughtiness."[86]

Imam ibn Kathir (*rahimahullah*) explaining this ayah wrote:

وَجَحَدُوا بِهَا" أَيْ فِي ظَاهِرِ أَمْرهمْ " وَاسْتَيْقَنَتْ هَا أَنْفُسهمْ " أَيْ " عَلِمُوا فِي أَنْفُسهمْ أَنَّهَا حَقّ مِنْ عِنْد اللَّه وَلَكِنْ جَحَدُوهَا وَعَانَدُوهَا وَكَابَرُوهَا " ظُلْمًا وَعُلُوًّا " أَيْ ظُلْمًا مِنْ أَنْفُسهمْ سَجِيَّة مَلْعُونَة وَعُلُوًّا أَيْ اِسْتِكْبَارًا عَنْ اِتِّبَاع الْحَقّ

" 'And they rejected them', meaning: what outwardly appeared from them 'while their [inner] selves were convinced thereof', meaning: they knew in their inner selves that it is was the haqq from Allah; however, they arrogantly rejected them 'out of injustice and haughtiness', meaning: wronging themselves with ill temperament and being too arrogant from following the truth."

Commenting upon the same ayah, as-Sa'di states:

وَجَحَدُوا بِهَا أي: كفروا بآيات الله جاحدين لها، وَاسْتَيْقَنَتْهَا أَنْفُسُهُمْ أي: ليس جحدهم مستندا إلى الشك والريب، وإنما جحدهم مع علمهم ويقينهم بصحتها ظُلْمًا منهم لحق ربهم ولأنفسهم، وَعُلُوًّا على الحق وعلى العباد وعلى الانقياد للرسل،

" 'Rejecting them', meaning: they were disbelieving in the ayat of Allah,

[86] Surah an-Naml: 14.

rejecting them (i.e., the Messengers), 'while their [inner] selves were convinced thereof', meaning: their rejection was not based upon doubt or uncertainty. It was merely rejecting them while they knew and had yaqin in their truthfulness and out of injustice to the haqq of their Lord and to their own selves, and due to haughtiness to the haqq, to the slaves, and to inqiyad to the Messengers."

And so this rejection was made manifest upon their limbs due to their resistance to follow the truth and comply (inqiyad) to what the Messengers came with - even though they knew what the Messengers brought was the truth in their hearts (i.e., their inner selves). What can further be mentioned to clarify this usage of juhud, is part of the rest of the statement that was mentioned previously of as-Sa'di where he said about the murtadd:

- وقد ذكر العلماء - رحمهم الله - تفاصيل ما يخرج به العبد من الإسلام، وترجع كلها إلى جحد ما جاء به الرسول ، أو جحد بعضه

"And the 'ulama (rahimahumullah) have explained that what exits the slave from Islam all returns to rejecting what the Messenger came with or rejecting part of it."[87]

Is as-Sa'di (*rahimahullah*) propagating the madhhab of irja here? No. It simply means that every act of kufr is in reality a rejection of what the Messenger of Allah (ﷺ) came with. Those who prostrate to idols or seek judgment from man-made laws have essentially rejected what the Prophet (ﷺ) came with and do not have inqiyad and taslim to what the Prophet (ﷺ) brought. This type and meaning of juhud can appear on the limbs and does not only become apparent "when the individual clearly informs us."

Finally, one more quote to really solidify this point. And again, it is the rest of a statement that was mentioned earlier. Giving examples of what he meant in

[87] See *Minhaj as-Salikin* and p. 21 in this work for the words that come before it.

relation to leaving the pillars being kufr, Sufyan ibn ʻUyaynah explained:

وبيان ذلك في أمر آدم صلوات الله عليه ، وإبليس، وعلماء اليهود، أما آدم فنهاه الله عز وجل عن أكل الشجرة وحرمها عليه فأكل منها متعمدا ليكون ملكا أو يكون من الخالدين فسمي ذلك عاصيا من غير كفر، وأما إبليس لعنه الله فإن فرض عليه سجدة واحدة فجحدها متعمدا فسمى كافرا، وأما علماء اليهود فعرفوا نعت النبي وأنه نبي رسول كما يعرفون أبناءهم وأقروا به باللسان ولم يتبعوا شريعته فسماهم الله عز وجل كفارا فركوب المحارم مثل ذنب آدم عليه السلام وغيره من الأنبياء وأما ترك الفرائض جحودا فهو كفر مثل كفر إبليس لعنة الله وتركهم على معرفة من غير جحود فهو كفر مثل كفر علماء اليهود والله أعلم.

"What clarifies this is the matter of Adam (salawatullahi ʻalayhi), Iblis, and the Jewish scholars. As for Adam, then Allah (*ʻazza wa jall)* forbade him from eating from the Tree and made it haram for him. But he consciously ate from it to become an angel or become immortal. Thus he was called disobedient without kufr. As for Iblis (may Allah curse him), then Allah obligated upon him a single prostration but he consciously rejected to do so; so he was called a kafir. As for the Jewish scholars, then they knew the description of the Prophet (ﷺ) and that he was a prophet and messenger, just as they knew their own children, and they acknowledged this with their tongues, but they did not follow his law; so Allah (*ʻazza wa jall)* called them kuffar. Thus violating the prohibitions is like the sin of Adam (*ʻalayhis-salam*) and that of other prophets. As for abandoning the obligations with juhud, then it is kufr like the kufr of Iblis (may Allah curse him). As for abandoning the obligations with awareness but without juhud, then it is kufr like the kufr of the Jewish scholars. And Allah knows best."[88]

[88] See p. 24 in this work.

All these references to juhud in the previous citations are not in reference to the understanding the Murjiah have spread amongst the ummah. They are all referring to refusal or abstaining/resisting to comply to the command and ruling of Allah. Iblis, in the example ibn 'Uyaynah mentioned, did not inform us he rejects the command of Allah in his heart nor did he reject that it was obligatory upon him to perform sujud to Adam (*'alayhis-salam*). He simply refused to do so out of arrogance. And so juhud carries the meaning here as 'resisting (imtina') to perform 'al-haqq al-wajib (the due right)'. And that is the complete opposite of inqiyad and taslim.[89]

Shaykhul-Islam commenting on those who remain ruling in accordance to other than what Allah revealed wrote:

وأمره أن يحكم بما أنزل الله، وحذره أن يفتنوء عن بعض ما أنزل الله، وأخبره أن ذلك حكم الله، ومن ابتغى غيره، فقد ابتغى حكم الجاهلية، وقال : وَمَن لَّمْ يَحْكُم بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ، ولا ريب أن من لم يعتقد وجوب الحكم بن أنزل الله على رسوله فهو كافر، فمن استحل أن يحكم بين الناس بما يراه هو عدلا من غير اتباع لما أنزل الله، فهو كافر، فإنه ما من أمة إلا تأمر بالعدل، وقد يكون العدل في دينها ما رآه أكابرهم، بل كثير من المنتسبين إلى الإسلام يحكمون بعاداتهم التي لم ينزلها الله سبحانه وتعالى ک سوالف البادية، وكأوامر المطاعين فيهم، ويرون أن هذا هو الذي ينبغي الحكم به دون الكتاب والسنة، وهذا هو الكفر،

فإن كثيرا من الناس أسلموا، ولكن مع هذا لا يحكمون إلا بالعادات الجارية التي يأمر بها المطاعون، فهؤلاء إذا عرفوا أنه لا يجوز الحكم إلا بما أنزل الله فلم يلتزموا ذلك، بل استحلوا أن

[89] Also highlighting this usage is the Salaf at times referring to those who resisted and refused to pay the zakah after the death of the Prophet (ﷺ) as 'jahidin (rejecters)', although they did not reject the obligation of zakah. See al-Hawali, *Dhahirah al-Irja*, p. 434.

يحكموا بخلاف ما أنزل الله، فهم كفار ...

"Allah commanded him to rule by that which Allah has revealed and warned him lest they turn him away from some of that which Allah had sent down to him. He told him that this was the ruling of Allah, and whoever sought anything other than that was seeking the ruling of jahiliyyah. He said: 'And whoever does not judge by what Allah revealed - then it is those who are the kafirun.' Undoubtedly, whoever does not believe that it is obligatory to rule according to that which Allah revealed to His messenger is a kafir, and whoever thinks that it is permitted to rule among people according to his own opinions, turning away and not following what Allah revealed is a kafir.

"There is no nation except that they enjoin justice; and justice to them is what their leaders think it to be. Indeed, many of those who attribute themselves to Islam rule according to their customs which were not revealed by Allah (*subhanahu wa ta'ala*), such as the customs of the Bedouins or the commands of their leaders. They think that this is what they should rule by instead of the Book and Sunnah. And this is kufr. Many people have accepted Islam, however, they still do not rule by anything except the customs prevalent among them as ordered by their leaders. If they know that it is not permissible to rule by anything except that which Allah has revealed and they do not adhere to that, rather they permit themselves to rule by that which goes against what Allah revealed, then they are kuffar..."

Shaykhul-Islam continues on in a very beneficial discussion but this is the relevant part. What needs to be examined is what he meant by what is translated above as 'permitted (استحل)' and 'permitting (استحلوا)'. Because just as with the meaning of juhud, only one meaning is commonly employed and used based upon the understanding of the Murjiah. And just like juhud, istihlal can carry a meaning that is kufr that appears upon the limbs. This is especisially so in the terminology and usage of Shaykhul-Islam in his writings. Because at times Shaykhul-Islam would use use the term 'istihlal' to mean believing that what is forbidden is permissible and at times to mean not

adhering to the prohibition, while affirming its prohibition. He said about the meaning of istihlal:

وتارة يعلم أن الله حرمها ، ويعلم أن الرسول إنما حرم ما حرمه الله ، ثم يمتنع عن التزام هذا التحريم، ويعاند المحرِّم فهذا أشد كفرا ممن قبله

"And sometimes he knows that Allah prohibited it, and he knows that the Messenger only prohibits what Allah prohibition, but resists from adhering to this prohibition and opposes the forbidden. This kufr is more severe than what preceded."[90]

So knowing this, one can gain a proper understanding of what Shaykhul-Islam meant when he said 'permitted (استحل)' and 'permitting (استحلوا)' about those who ruled by other than what Allah revealed. These derivatives of 'istihlal' carrying the meaning of: resisting to adhere. And so him stating: "If they know that it is not permissible to rule by anything except that which Allah has revealed and they do not adhere to that, rather they permit themselves to rule by that which goes against what Allah revealed (meaning: and they resist adhering to ruling by what Allah revealed and remain ruling according to their prevalent customs), then they are kuffar." Abstaining from adhering to the prohibition negates the foundational action of the heart for iman to be valid, which is inqiyad; this is the angle their kufr is mentioned here.[91]

This issue probably needs more explaining, however, I don't want to go off subject too much nor lengthen this any more than it should. But like with almost all matters pertaining to the din, each separate topic ties into the next and to grasp a good understanding of one, you need a good grasp of the other. Like here, if we do not know the reality of iman and kufr, we will come out thinking a leader who turns away from the ruling of Allah and goes to the rulings of men is a legitimate authority and then increase in that by calling

[90] See *As-Sarim al-Maslul*, p. 522. 'What preceded' will follow shortly, in sha Allah.
[91] See Muhammad ad-Dawsari, *Raf' al-La'imah 'an Fatwa al-Lajnah ad-Da'imah*, pp. 111-4.

those who declare him to be illegitimate and a taghut who must be removed, as being from the Khawarij! And worse than that, except for those Allah has mercy upon, one joins the ranks of the tawaghit in their fight against the awliya of Allah! That is why it was mentioned what iman is previously. But adding to that and correlating to what we just spoke about, is the full statement of Shaykhul-Islam explaining this matter of juhud and istihlal and how they can manifest themselves upon the limbs. He explained:

العبد إذا فعل الذنب مع اعتقاد أن الله حرمه عليه ، واعتقاد انقياده لله فيما حرمه وأوجبه : فهذا ليس بكافر .
فأما إن اعتقد أن الله لم يحرمه ، أو أنه حرمه لكن امتنع من قبول هذا التحريم ، وأبى أن يذعن لله وينقاد : فهو إما جاحد ، أو معاند . ولهذا قالوا: من عصى مستكبرا كإبليس كفر بالاتفاق .
ومن عصى مشتهيا لم يكفر عند أهل السنة والجماعة، وإنما يكفره الخوارج . فإن العاصي المستكبر وإن كان مصدقا بأن الله ربه ، فإن معاندته له ومحادته تنافي هذا التصديق.

وبيان هذا : أن من فعل المحارم مستحلا لها فهو كافر بالاتفاق ، فإنه ما آمن بالقرآن من استحل محارمه ، وكذلك لو استحلها بغير فعل .

والاستحلال : اعتقاد أنها حلال له ، وذلك يكون تارة باعتقاد أن الله أحلها ، وتارة باعتقاد أن الله لم يحرمها ، وتارة بعدم اعتقاد أن الله حرمها . وهذا يكون لخلل في الإيمان بالربوبية ، أو لخلل في الإيمان بالرسالة ، ويكون جحدا محضا غير مبني على مقدمة . وتارة يعلم أن الله حرمها ، ويعلم أن الرسول إنما حرم ما حرمه الله ، ثم يمتنع عن التزام هذا التحريم، ويعاند المحرِّم فهذا أشد كفرا ممن قبله .

وقد يكون هذا مع علمه أن من لم يلتزم هذا التحريم عاقبه الله وعذبه . ثم إن هذا الامتناع والإباء : إما لخلل في اعتقاد حكمة الآمر ، وقدرته، فيعود هذا إلى عدم التصديق بصفة من صفاته .

"When the slave performs a sin with the belief that Allah has forbidden him from it and believes in compliance to Allah in what He forbade him and obligated for him, then he is not a kafir. But if he believes that Allah did not forbid it or [he believes] that indeed it is forbidden, however, he resists to accept the forbiddance and refuses to comply to Allah, then, he is jahid or mu'anid (obstinate). Due to this, they (i.e., the 'ulama) said: whoever arrogantly disobeys like Iblis, disbelieves by consensus. Whereas, whoever disobeys because a desire overtook him does not disbelieve according to Ahlus-Sunnah wal-Jama'ah; and only the Khawarij declared him to be a kafir. Verily, the arrogant disobedient individual, even if he has tasdiq that Allah is his Lord, he is obstinate towards Him and negates his tasdiq.

"And what clarifies this is that the one who does a prohibition while declaring it permissible is a kafir by consensus, as he does not believe in the Quran when declaring permissible what it declares forbidden. And that is the case even if he does not do the prohibition. Istihlal means believing that is permitted for him. That can occur at times by a belief that Allah permitted it, or at other times by a belief that Allah did not forbid it, or at other times by not believing that Allah forbade it. And this is all due to a defect in the iman of rububiyyah or a defect in the iman of the Message. It is clear rejection not based upon what preceded.

"And sometimes he knows that Allah prohibited it, and he knows that the Messenger only prohibits what Allah prohibition, but resists from adhering to this prohibition and opposes the forbidden. This kufr is more severe than what preceded. And that might be in addition to his knowledge that whoever does not abide to this prohibition is to be punished by Allah. Thus this resistance and abstention [occur] either because of a flaw in the belief of the wisdom of Allah

or His might; and this returns to a lack of tasdiq of one of His attributes."[92]

Beautifully summarizing this matter is again Shaykh Nasir al-Fahd:

> Know that the heart entails speech and action. The speech of the heart is tasdiq and the action of the heart is istislam and inqiyad. What goes against the speech of the heart is takdhib and what goes against its action is imtina'. Both are kufr that removes one from the Millah. If a man has tasdiq but he resists arrogantly from accepting something from the Shari'ah that is apparent and established, then he disbelieves. This is like one who leaves salah out of laziness and is called to perform it but refuses to do so. He is called to perform it or else face the sword and still refuses. Both ibn Taymiyyah and ibnul-Qayyim have established that he is a kafir by ijma'. Therefore, one can be a belier or conceited. It would never be acceptable for one to differ over that, and ibn Taymiyyah in some of his longer works on the topic stated that if one was to claim 'you killed a Muslim' has fallen into the misconceptions of the Murjiah.
>
> This is just like the disobedient sinner whose desires have overcome him. It could be that one resists in accepting and complying with the prohibition, although he has tasdiq in it. You find this frequently in those who are now called 'intellectuals'. Most of them show arrogance and resistance to accepting some of the obligatory acts like jihad, commanding good, and what is similar to that. The same can be said with some of the acts that are prohibited like music, unveiling oneself, and so on. The sinner who is arrogant is a kafir. However, arrogance and resistance are matters that are hidden which aren't known. That is why the default position upon the sinners is not kufr. But there are factors which are indicative of the existence of this resistance. Thus if it appears, he is judged with what it implies.[93]

[92] See *As-Sarim al-Maslul*, pp. 521-2.
[93] See (Arabic and English) *Fatawa al-Ha'iriyyah*, question no. 20.

And so for this issue, one can say that everyone who turns away from the ruling of Allah and issues a ruling in known contradiction to the ruling of Allah, is jahid and mustahil. Because the action of turning away from the ruling of Allah and promulgating another ruling is a clear manifestation of what ibn Taymiyyah and Nasir al-Fahd just spoke about: lack of inqiyad. And while both istihal and juhud came to mean imtina', the difference is that this imtina' in reference to juhud is imtina' from performing the obligatory matters, and this imtina' in reference to istihlal is imtina' from the prohibitions. Moreover, this is in relation to the individuals, not in relation to others. What that means is that if they were to permit whatever prohibition or reject whatever ruling in totality (for themselves and for everyone else), it would be takdhib instead of imtina'.[94] And Allah knows best. Back to the booklet.

[94] See Salih Al ash-Shaykh, *Sharh al-'Aqidah at-Tahawiyyah*, v. 1, p. 357; al-Basha, *Ar-Rad 'ala Fatwa Abu Ra'id al-Maliki*; al-Mahmud, *Man-Made Laws vs. Shari'ah*, 171-2; al-Hawali *Dhahirah al-Irja*, p. 434.

6

KUFR DUNA KUFR

'ABDUR-RAHMAN HASAN (may Allah guide him) throws another contention and says:

> Some may argue that the apparent verse ... shows that it is major disbelief. In response to this we say: Taking this verse at its apparent meaning is the way of the Khawarij.

The verse being referenced is the statement of Allah (*'azza wa jall)*:

وَمَن لَّمْ يَحْكُم بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

"And whoever does not judge by what Allah revealed - then it is those who are the kafirun."[95]

'Abdur-Rahman Hasan then relates some statements from 'ulama that it was only the Khawarij who took and applied this ayah based upon its apparent meaning. And this is the truth that no one can deny. And it is also the truth that whoever turns away from the ruling of Allah and goes to another ruling is a kafir - whether or not this ayah is referring to major or minor kufr. What the 'ulama meant when they spoke of the apparent of this ayah, is that if taken upon its apparent, the sinners of the Muslim ummah would be declared to be from the kafirun for not applying the ruling of Allah in specific situations in their lives. So Ahlus-Sunnah rebuked whoever generalized this ayah in such a way.

Because the discussion regarding the ayah is long and there is a lot of

[95] Surah al-Maidah: 44.

disagreement over its tafsir I do not want to delve into it much here. However, summarizing the dispute with the Khawarij and their usage of the ayah, as-Sam'ani (d. 489 H - *rahimahullah*) wrote the following in his tafsir:

{وَمن لم يحكم بِمَا أنزل الله فَأُولَئِك هم الْكَافِرُونَ} قَالَ الْبَراء بن عَازِب - وَهُوَ قَول الْحسن -: الْآيَة فِي الْمُشْركين. قَالَ ابْن عَبَّاس: الْآيَة فِي الْمُسلمين، وَأَرَادَ بِهِ كفر دون كفر، وَاعْلَم أَن الْخَوَارِج يستدلون بِهَذِهِ الْآيَة، وَيَقُولُونَ: من لم يحكم بِمَا أنزل الله فَهُوَ كَافِر، وَأهل السّنة قَالُوا: لَا يكفر بترك الحكم، وللآية تَأْوِيلَانِ: أَحدهمَا مَعْنَاهُ: وَمن لم يحكم بِمَا أنزل الله ردا وجحدا فَأُولَئِك هم الْكَافِرُونَ. وَالثَّانِي مَعْنَاهُ: وَمن لم يحكم بِكُل مَا أنزل الله فَأُولَئِك هم الْكَافِرُونَ، وَالْكَافِر هُوَ الَّذِي يتْرك الحكم بِكُل مَا أنزل الله دون الْمُسلم.

" 'And whoever does not judge by what Allah revealed - then it is those who are the kafirun.' Al-Bara ibn 'Azib said - and it is also the opinion of al-Hasan [al-Basri] - : the ayah is in regards to the mushrikin. Ibn 'Abbas said: the ayah is in regards to the Muslimin; and what is meant is kufr duna kufr. Know that the Khawarij inferred from this ayah and said whoever does judge by what Allah revealed is a kafir. Whereas, Ahlus-Sunnah said: he does not disbelieve for leaving (tark) the ruling. The ayah has two interpretations. First, whoever does not judge by what Allah revealed by going against and rejecting [it], then those are the kafirun. Second, whoever does not judge by what Allah revealed in totality, then it is those who are the kafirun. And the kafir is one who abandons every ruling that Allah revealed and is not a Muslim."

Commenting on the various conflicting interpretations in relation to the ayah, Imam ibnul-Qayyim (d. H - *rahimahullah*) remarked:

1- قال ابن عباس ليس بكفر ينقل عن الملة بل إذا فعله فهو به كفر وليس كمن كفر بالله واليوم الآخر وكذلك قال طاووس

وقال عطاء هو كفر دون كفر وظلم دون ظلم وفسق دون فسق

2- ومنهم من تأول الآية على ترك الحكم بما أنزل الله جاحدا له وهو قول عكرمة وهو تأويل مرجوح فإن نفس جحوده كفر سواء حكم أو لم يحكم

3- ومنهم من تأولها على ترك الحكم بجميع ما أنزل الله قال ويدخل في ذلك الحكم بالتوحيد والإسلام وهذا تأويل عبد العزيز الكناني وهو أيضا بعيد إذ الوعيد على نفي الحكم بالمنزل وهو يتناول تعطيل الحكم بجميعه وببعضه

4- ومنهم من تأولها على الحكم بمخالفة النص تعمدا من غير جهل به ولا خطأ في التأويل حكاه البغوي عن العلماء عموما

5- ومنهم من تأولها على أهل الكتاب وهو قول قتادة والضحاك وغيرهما وهو بعيد وهو خلاف ظاهر اللفظ فلا يصار إليه

6- ومنهم من جعله كفرا ينقل عن الملة .

والصحيح أن الحكم بغير ما أنزل الله يتناول الكفرين الأصغر والأكبر بحسب حال الحاكم، فإنه إن اعتقد وجوب الحكم بما أنزل الله في هذه الواقعة وعدل عنه عصياناً مع اعترافه بأنه مستحق للعقوبة فهذا كبر أصغر، وإن اعتقد أنه غير واجب وأنه مخير فيه مع تيقنه بأنه حكم الله فهذا كفر أكبر، وإن جهله وأخطأه فهذا مخطئ له حكم المخطئين

"1. Ibn 'Abbas said it is not the kufr that removes one from the Millah. It is kufr but not the kufr like one who disbelieves in Allah and the Last Day. This was also the view of Tawus. 'Ata said: It is kufr duna kufr, dhulm duna dhulm, and

fisq duna fisq.

"2. Some of them interpreted the ayah as referring to whoever leaves the hukm that Allah revealed while rejecting it. This was the view of 'Ikrimah. It is a view less likely to be correct, because rejecting it is kufr whether or not one judges.

"3. Some of them interpreted the ayah as referring to not ruling by anything that Allah revealed at all, which includes not ruling on the basis of tawhid and Islam. This is the interpretation of 'Abdul-'Aziz al-Kanani. This is also unlikely to be correct, because the warning has to do with not ruling according to the revealed ruling, which would imply not ruling by the Shari'ah at all or not ruling by some aspects of it.

"4. Some of them interpreted it as referring to judging in a manner that goes against the text deliberately, not as a result of ignorance or a mistaken interpretation. Al-Baghawi narrated this from the 'ulama in general.

"5. Some of them interpreted it as referring to the People of the Book. This is the view of Qatadah, ad-Dahhak, and others. This is unlikely to be correct and clashes with the apparent meaning of the wording; so it should not be accepted.

"6. Some of them regarded it as meaning the kind of kufr which puts a person beyond the pale of Islam.

"The correct view is that ruling according to something other than that which Allah has revealed includes both major and minor kufr, depending on the position of the judge. If he believes that it is obligatory to rule according to that which Allah has revealed in this instance, but he turns away from that out of disobedience, whilst acknowledging that he is deserving of punishment, then this is minor kufr. But if he believes that it is not obligatory and that he has a choice, even though he is certain that this is the ruling of Allah, then this is major kufr. If he is unaware of the ruling or makes a mistake, then he is one who

is in error and is subject to the rulings of those who err."[96]

What can clearly be deduced from the above is that the 'ulama have not formed a consensus over the tafsir of the ayah. Moreover, all those opinions above that ibnul-Qayyim related were not only in relation to the tafsir of the ayah, but also to what was mentioned earlier as 'qadiyyah mu'ayyanah'. Reflect over his statement 'in this instance', because this is an indication that he is referring to leaving off the ruling of Allah in specific cases and not tashri' 'am which covers more than that. If the one who thinks he has a choice to rule by what Allah revealed is a kafir, what of the one who promulgates a ruling in obvious contradiction to the ruling of Allah and has it implemented on people?

For those who say whoever holds the above ayah in its default as referring to major kufr are from the Khawarij, they need to stick to that and declare the Standing Committee as being from the Khawarij. Otherwise, it is just ignorance and the following of whims. They were asked:

وما نوع التكفير المذكور في قوله تعالى: {وَمَن لَّمْ يَحْكُم بِمَا أَنزَلَ اللَّهُ فَأُوْلَـئِكَ هُمُ الْكَافِرُونَ}؟

"What type of takfir is mentioned in His (*ta'ala*) saying: 'And whoever does not judge by what Allah revealed - then it is those who are the kafirun.'?

They replied:

أما نوع التكفير في قوله تعالى: {وَمَن لَّمْ يَحْكُم بِمَا أَنزَلَ اللَّهُ فَأُوْلَـئِكَ هُمُ الْكَافِرُونَ}، فهو كفر أكبر، قال القرطبي في تفسيره: قال ابن عباس رضي الله عنهما ومجاهد رحمه الله: "ومن لم يحكم بما أنزل الله رداً للقرآن وجحداً لقول الرسول صلى الله عليه وسلم فهو كافر" انتهى. وأما من حكم بغير ما أنزل الله

[96] See *Madarij as-Salikin*, v. 1, p. 336-7.

وهو يعتقد أنه عاصٍ لله لكن حمله على الحكم بغير ما أنزل الله ما يدفع إليه من الرشوة أو غير هذا أو عداوته للمحكوم عليه أو قرابته أو صداقته للمحكوم له ونحو ذلك، فهذا لا يكون كفره أكبر، بل يكون عاصياً لله، وقد وقع في كفر دون كفر وظلم دون ظلم وفسق دون فسق.

"As for the takfir in His (*ta'ala*) saying: 'And whoever does not judge by what Allah revealed - then it is those who are the kafirun,' it is major kufr. Al-Qurtubi in his tafsir said: ibn 'Abbas (*radiyallahu 'anhuma*) and Mujahid (*rahimahullah*) said: 'Whoever does not judge by what Allah revealed going against the Quran and rejecting the saying of the Messenger of Allah (ﷺ) is a kafir.' In relation to whoever judges by other than what Allah revealed, while he believes that he is being disobedient to Allah, but is driven to judge by other than what Allah revealed due to a bribe or enmity or closeness or friendship to the one being judged and such things like that, then, it is not major kufr. It is disobedience to Allah and kufr duna kufr, dhulm duna dhulm, and fisq duna fisq."[97]

Thus the reality of the matter is that it is nonessential if one states the kufr in the ayah is referring to major kufr or minor kufr, as long as one explains the issue correctly and does not generalize the apparent meaning of the ayah to encompass all those who leave the ruling of Allah and disobey Him in specific circumstances. Because both opinions (i.e., that the kufr being referred to is major or minor) is related from the 'ulama of Ahlus-Sunnah and does not detract from the fact that whoever seeks judgment from another law or competes with Allah in tashri' 'am is a kafir according to ijma'.

Next up is the misuse of the narration of ibn 'Abbas where it is reported that he said about the preceding ayah: "kufr duna kufr." The misuse because just like the Khawarij misused the above ayah and generalized it to encompass sinners, the Murjiah misuse the statement of ibn 'Abbas and generalize it to

[97] See http://iswy.co/e3ls1.

encompass those who turn away from the laws of Allah and go towards man-made laws for judgment.[98] And those who have grasped everything so far realize that is an error either stemming from ignorance or malicious intent.

Thus the statement from ibn ‘Abbas (*radiyallahu ‘anhuma*) needs to be understood in light of what has preceded: (1) the meaning of Islam and tawhid, (2) ruling and legislating being a specific right of Allah, (3) the ijma’ that wheover seeks judgment from other than what Allah revealed is major kufr, (4) the difference between tashri’ ‘am and qadiyyah mu‘ayyanah. All of these restrict the usage of what has been narrated from some of the Salaf as: “kufr duna kufr.” Shaykh Muhammad ibn Ibrahim (*rahimahullah*) stated:

وأما القسم الثاني من قسمي كفر الحاكم بغير ما أنزل الله وهو الذي لا يخرج من الملة، فقد تقدم تفسير أن ابن عباس رضي الله عنه لقوله عز وجل : ومن لم يحكم بما أنزل الله فأولئك هم الكافرون قد شمل ذلك القسم، وذلك في قوله رضي الله عنه في الآية (كفر دون كفر)، وقوله (ليس بالكفر الذي تذهبون إليه)، وذلك أن تحمله شهوته ، وهواه على الحكم في القضية بغير ما أنزل الله مع اعتقاده أن حكم الله ورسوله هو الحق، واعترافه على نفسه بالخطأ ومجانبة الهدى،

“As for the second category from the categories of kufr of the ruler who judges by other than what Allah revealed, and it is that which does not take a person outside of the Millah. It preceded in the explanation of ibn ‘Abbas (*radiyallahu ‘anhu*) with regards to the saying of Allah (*‘azza wa jall)*: ‘And whoever does not judge by what Allah revealed - then it is those who are the kafirun.’ Thus it falls into this category of his saying: ‘kufr duna kufr,’ and: ‘It is not the kufr which they (i.e., the Khawarij) go for.’ This is in reference to one who was tempted to judge in a case by his desires instead of what Allah revealed, with the belief that the ruling of Allah and His messenger is the truth, and that he is in

[98] This is while accepting the authenticity of the narration and not concerning ourselves whether it has a weak chain or not.

the wrong and left the guidance."[99]

Notice here that he said 'in a case (qadiyyah)', because the depiction of "kufr duna kufr" falls into what was mentioned earlier as 'qadiyyah mu'ayynah', which is not applying the ruling of Allah in specific situations while admitting he is acting disobediently - like what just passed from ibnul-Qayyim. And honestly, this issue is extremely easy to understand, bi-ithnillah. It is only due to the people of desires, who distort the sacred texts and the speech of the 'ulama, mixing bits of truth with falsehood, who made it confusing for people.

[99] See *Risalah Tahkim al-Qawanin* (Arabic) or *A Letter on Ruling by Man-Made Laws* (English).

7

A LOOK AT VARIOUS AYAT

'ABDUR-RAHMAN HASAN shows us this distortion and mixing of truth with falsehood when he starts speaking about certain texts of the Quran that indicate the kufr of those who rule and promulgate laws contrary to the laws of Allah. Allah (*'azza wa jall)* said:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

"But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission."[100]

'Abdur-Rahman Hasan states:

> we say: that the negation being made here is of the obligation of al-Iman [Kamalah ul-Wajib], not the essence of al-Iman.

In reply to this, al-'Allamah Humud ibn 'Uqla ash-Shu'aybi (d. 1422 H - *rahimahullah*) said:

فقالوا: إن النفي لكمال الإيمان، لا لنفي حقيقته.

وما علم هؤلاء الجهلة أن الأصل في الكلام العربي الحقيقة، ولا يصار إلى المجاز إلا إذا اقترن به قرينة توجب صرف اللفظ عن

[100] Surah an-Nisa: 65.

الاحتمال الراجح إلى الاحتمال المرجوح، فأي دليل وأي قرينة توجب صرف هذه الآية عن نفي حقيقة الإيمان إلى نفي كماله.

"They (i.e., the Murjiah) said: 'This negation negates the completeness (kamal) of iman, not its reality (or essence).' These ignorant people do not know that the foundation in the pure Arabic language is that we do not go to the metaphorical meaning unless we have a presumption that obligates diverting the expression from the stronger possibility to the weaker possibility. Therefore, which evidence and presumption is there to divert this ayah from negating the reality (or essence) of iman to negating the completeness of iman?"[101]

Cropping one quote from ibn Taymiyyah and leaving others, 'Abdur-Rahman Hasan then further highlights the distortion of the speech of the 'ulama by claiming: "Ibn Taymiyyah also understood this to mean the negation of the obligatory completeness of al-Iman." When one returns to the reference 'Abdur-Rahman Hasan cites to substantiate his claim,[102] it does not imply that whoever does not make the Messenger their judge in disputes and is not pleased with the ruling of the Messenger and finds discomfort in himself to his judgment is a believer with weak iman. But at times, 'ulama would use ayat that speak about major kufr or ayat geared towards the mushrikin on circumstances that are minor kufr or minor shirk (i.e., sins less than kufr). And here, ibn Taymiyyah does use the ayah in reference to the negation of obligatory iman, but also references it elsewhere to refer to nullification of the essence of iman. He said in *al-Minhaj:*

وقال تعالى :فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا. فمن لم يلتزم تحكيم الله ورسوله فيما شجر بينهم فقد أقسم الله بنفسه أنه لا يؤمن، وأما من كان ملتزمة لحكم الله ورسوله، باطنا وظاهرا، لكن عصى، واتبع هواه فهو بمنزلة أمثاله من

[101] See *The Verdict Pertaining to Seeking Judgment From Fabricated Man-Made Law.*
[102] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 7, p. 37.

العصاة... والحكم بما أنزل الله على محمد هو عدل خاص، وهو أكمل أنواع العدل وأحسنها، والحكم به واجب على النبي صلى الله عليه وسلم وكل من اتبعه، ومن لم يلتزم حكم الله ورسوله فهو كافر

"He (*ta'ala*) said: 'But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission.' Thus whoever does not adhere to the judgment of Allah and His messenger, Allah has taken an oath on Himself that he is not a believer. But whoever adheres to the ruling of Allah and His messenger inwardly and outwardly, however, sins and follows his desires, he is like the rest of the sinners... Ruling by what Allah revealed upon Muhammad (ﷺ) is a specfic type of justice and the most complete and best types of justice. Ruling in accordance to it is obligatory upon the Nabi (ﷺ) and whoever follows him. And whoever does not adhere to the ruling of Allah and His messenger is a kafir."[103]

And he (*rahimahullah*) also said:

فكل من خرج عن سنة رسول الله صلى الله عليه وسلم وشريعته فقد أقسم الله بنفسه المقدسة أنه لا يؤمن حتى يرضى بحكم رسول الله صلى الله عليه وسلم في جميع ما يشجر بينهم من أمر الدين والدنيا وحتى لا يبقى في قلوبهم حرج من حكمه، ودلائل القرآن على هذا الأصل كثيرة.

"So whoever departs from the sunnah of the Messenger of Allah (ﷺ) and his shari'ah, Allah has sworn on His pure self that he is not a believer until he is pleased with the ruling of the Messenger of Allah (ﷺ) in all disputes that arise between themselves in matters of the din and dunya and no discomfort is left in

[103] See Minhaj as-Sunnah an-Nabawiyyah, v. 5, p. 332.

their hearts to his ruling. The proofs indicating this principle is found in the Quran many times."[104]

And explaining when one is considered a kafir pertaining to this ayah, as-Sa'di remarked:

فمَن ترك هذا التحكيم المذكور غير ملتزم له فهو كافر، ومَن تركه، مع التزامه فله حكم أمثاله من العاصين.

"So whoever leaves this arbitration mentioned [in the ayah] without being committed to it is a kafir, and whoever leaves it while he is committed [to the ruling of Allah], then he has the ruling of his likes from the sinners."[105]

That is similar to what ibn Taymiyyah stated above. A question: is the one who leaves the ruling of Allah and goes to another ruling adhering to the ruling of Allah? Those paying attention so far should be able to answer that to themselves, bi-ithnillah. Commenting upon this ayah, ibn Hazm stated:

فهذا هو النص الذي لا يحتمل تأويلا ولا جاء نص يخرجه عن ظاهره أصلا، ولا جاء برهان بتخصيصه في بعض وجوه الإيمان

"This is a clear statement that is not possible to interpret; no [other] clear statement has come that would remove it from its apparent foundation. And there is no evidence to restrict it to some aspects of iman."[106]

In his tafsir of the same ayah, the imam of the mufassirin, at-Tabari stated:

" فلا " فليس الأمر كما يزعمون: أنهم يؤمنون بما أنزل إليك، وهم يتحاكمون إلى الطاغوت، ويصدّون عنك إذا دعوا إليك يا محمد = واستأنف القسم

[104] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 28, p. 471.
[105] See his comments on ayah 65 of surah an-Nisa in *Taysir al-Karim ar-Rahman.*
[106] See Al-Fasal, v. 3, p. 249.

" 'But no', the matter is not like they claim: that they are believers in what was revealed to you while they go for judgment to the taghut and turn away from you when they are called to you, O Muhammad. Then continued by making an oath."

So here is some speech of 'ulama stating that the general import of the ayah is in reference to the negation of the essence of iman. Using the reason for revelation to restrict it to the negation of the obligatory iman, as al-'Anbari and the Murjiah have attempted to do, is not correct, as well. The reason for revelation being the story related by al-Bukhari and Muslim that az-Zubayr and a man from the Ansar had a dispute and went to the Prophet (ﷺ) for judgment. When the Prophet (ﷺ) ruled in the matter, the man from the Ansar said: "O Messenger of Allah! Is this due to him (i.e., az-Zubayr) being your cousin?" But as can be seen clearly in the story, they both took the Prophet (ﷺ) as the arbitrator in the dispute.

وعلى كل فالعبرة بعموم اللفظ لا بخصوص السبب - كما هو معلوم ... ما ورد من الآيات أو الأحاديث على سبب معين فإن اقترن بالنص ما يدل على العموم أو الخصوص عمل به بلا خلاف، أما إذا لم يقترن به ما يدل على هذا ولا هذا فالراجح أن العبرة بعموم اللفظ، وهو قول جمهور العلماء، وأدلتهم على ذلك مبسوطة في كتب أصول الفقه.

"Whatever may be the case, what counts is the general applicability of the wording, not the specific reason for revelation - as is well known... Whatever ayat or ahadith came for a specific reason, if the wording indicates whether it is general or specific in meaning, then it should be taken as such. There is no dispute on this point. But if the wording does not indicate one or the other, then the most correct view is that what counts is the general meaning of the words [not the specific reason for revelation]. This is the view of the majority of

'ulama, and their evidence for that is expounded in the books of usul al-fiqh."[107]

Allah (*tabaraka wa ta'ala*) said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَن يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَن يُضِلَّهُمْ ضَلَالًا بَعِيدًا

"Have you not seen those who claim that they believe in that which has been sent down to you and that which was sent down before you, while they wish to go for judgment [in their disputes] to the taghut although they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray."[108]

This is one of the clearest textual proofs stating the kufr of those who rule by laws other than what Allah sent down. 'Abdur-Rahman Hasan, like al-'Anbari and his ilk before, have had a difficult time addressing this ayah and fitting it into the creed of irja. 'Abdur-Rahman Hasan stated:

> This verse can take one of two meanings: a. Due to this, the individuals became hypocrites and their Iman was a mere claim. b. The verse was revealed upon a people who were already hypocrites but claimed to have Iman when it never entered their hearts. In this situation, we will refer back to the previously mentioned principle: (The origin of any action that opposes the Shari'ah is that it is a sin, and to state it is disbelief requires an additional evidence), furthermore, an issue that can take two possibilities will not be utilised to remove a certainty [i.e. al-Islam].

This should never come from a student of knowledge. The ayah is belying the claim of iman of those who go to the taghut for judgment and that they did not disbelieve in the taghut, but 'Abdur-Rahman Hasan states that there needs

[107] See al-Mahmud, *Al-Hukm bi Ghayri ma Anzala Allah*, pp. 144-5 (Arabic) or *Man-Made Laws vs. Shari'ah*, pp. 145-6 (English).
[108] Surah an-Nisa: 60.

to be additional evidence for it to be disbelief. Allahul-musta'an…

You see why, akhi fillah, that so-called 'principle' mentioned in the beginning is the opposite of beneficial? What more proof could there be for the kufr of something other than what is in this particular ayah? However, this is the reality of the people of misguidance; they go to the textual proofs with already laid out premises for their creed and try to fit the Quran and Sunnah into them. Anything that does not agree with them, they will [mis]interpret the texts to fit inside their school of thought. On this point, Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) wrote:

فالذين أخطأوا في الدليل و المدلول مثل طوائف من أهل البدع اعتقدوا مذهبا يخالف الحق الذي عليه الوسط الذين لا يجتمعون على ضلالة ك سلف الأمة وأئمتها ، وعمدوا إلى القرآن فتأولوه على آرائهم تارة ، يستدلون بآيات على مذهبهم ولا دلالة فيها ، وتارة يتأولون ما يخالف مذهبهم بما يحرفون به الكلم عن مواضعه .

"Those who err in both the evidence and the import, such as the groups of the people of bida' who believe in a school of thought that opposes the truth which the moderate group (i.e., Ahlus-Sunnah wal-Jama'ah) holds onto - they are those who do not agree upon misguidance, such as the predecessors of this ummah and its leading scholars - they (i.e., the people of bida') head towards the Quran and interpret it based upon their opinions and at other times infer evidence from ayat in accordance to their school of thought that contains no proof in them [for their school of thought]. Other times they misinterpret what disagrees with their school of thought by distorting words from their proper usages."[109]

And ibnul-Qayyim (*rahimahullah*) likewise stated:

[109] See *Muqaddimah fi Usul at-Tafsir*, p. 82.

كلّ طائفة من أهل البدع تجرّ القرآن إلى بدعتها وضلالتها، وتفسّره بمذاهبها وآرائها، والقرآن بريء من ذلك

"Every group from the people bida' conforms the Quran to their bida' and misguidance and explains it in accordance to their schools of thought and opinions; and the Quran is free from that."[110]

This is what took place from 'Abdur-Rahman Hasan (may Allah guide him) here. He already had his principles (based upon irja) set, and then headed towards the Quran. Anything that happens to not agree with them, he will [mis]interpret. Since this ayah clashes with his school of thought, he had to do a little acrobatics to avoid its clear implication. And then continuing to place his irja on display, 'Abdur-Rahman Hasan attempts to utilize and [mis]interpret the comments of ibn Jarir at-Tabari on the ayah. Abu Ja'far at-Tabari stated:

يريدون أن يتحاكموا في خصومتهم إلى الطاغوت = يعني إلى: من يعظمونه، ويصدرون عن قوله، ويرضون بحكمه من دون حكم الله

"They wish to refer legislation in their disputes to Taghut = meaning: to honour, spread the speech and be pleased with their ruling [i.e. Taghut] over the ruling of Allah."[111]

'Abdur-Rahman Hasan places a footnote after the word 'pleased' saying: "This is an action of the heart, and therefore has to be clearly expressed." Even an outside observer, if he knew what he was talking about, would consider the above as repugnant irja. What the word 'pleased (يرضون)' entails is approving and consenting. All of which are manifest when one seeks judgment from the taghut instead of from Allah. If they preferred and were pleased with the ruling of Allah (being believers), they would not choose the ruling of the taghut over

[110] See *Shifa al-'Alil*, p. 206
[111] Translation taken from 'Abdur-Rahman Hasan.

the ruling of Allah. This is common sense backed by textual proof. The aforementioned Standing Committee was asked:

معنى قوله: {يُرِيدُونَ أَنْ يَتَحَاكَمُوا}؛ قال بعضهم: الإرادة هنا لا تحصل إلا بالباطن، ولا يعلم أحد به؛ لذا فلا يحكم بكفر المتحاكم؛ إلا بتوافر شرط العلم بالإرادة الباطنية، وهو غير حاصل. الإرادة محمولة على المعنى الظاهرة... أي ذلك صواب؟

"[What is] the meaning of His statement: ' they wish to go for judgment.'? Some people say 'al-iradah (the want)' here is a hidden act that no one knows. Therefore, we can not judge with kufr those who seek judgment [from the taghut] except after attaining the condition of knowing this inner intention; and that is not possible. [Others] said that the 'want' carries the meaning of what is apparent and explicit... Which one is correct?"

المراد بالإرادة في قوله تعالى: {يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ}؛ ما صحبه فعل أو قرائن وأمارات تدل على القصد والإرادة؛ بدليل ما جاء في الآية التي بعد هذه الآية {وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَى مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنْكَ صُدُودًا}، ويدل على ذلك أيضاً: سبب النزول الذي ذكره ابن كثير وغيره في تفسير هذه الآية، وكذلك المتابعة دليل الرضا، وبذلك يزول الإشكال القائل: إن الإرادة أمر باطن؛ فلا يحكم على المريد إلا بعلمها منه، وهو غير حاصل.

"The meaning of want in His (*ta'ala*) statement: 'they wish to go for judgment to the taghut', is what is accompanied by actions or indications and signs proving the intention and desire. This is proven by what comes in the ayah following it: 'And when it is said to them: come to what Allah has sent down and to the Messenger, you see the munafiqin turn away from you with aversion.' What also proves this is the reason for revelation mentioned by ibn Kathir and others in their tafsir of the ayah. Likewise, proceeding [with a thing] is proof of

rida (i.e., being pleased with it). And so these matters remove the ambiguity of the questioner that 'want' is a hidden affair that can not be judged except with knowledge of it, which is not possible."[112]

Explaining the ayah, the reasons it was revealed, and what is meant by 'taghut', ibn Kathir remarked:

هذا إنكار من الله ، عز وجل ، على من يدعي الإيمان بما أنزل الله على رسوله وعلى الأنبياء الأقدمين ، وهو مع ذلك يريد التحاكم في فصل الخصومات إلى غير كتاب الله وسنة رسوله ، كما ذكر في سبب نزول هذه الآية : أنها في رجل من الأنصار ورجل من اليهود تخاصما ، فجعل اليهودي يقول : بيني وبينك محمد . وذاك يقول : بيني وبينك كعب بن الأشرف . وقيل : في جماعة من المنافقين ، ممن أظهروا الإسلام ، أرادوا أن يتحاكموا إلى حكام الجاهلية . وقيل غير ذلك ، والآية أعم من ذلك كله ، فإنها ذامة لمن عدل عن الكتاب والسنة ، وتحاكموا إلى ما سواهما من الباطل ، وهو المراد بالطاغوت هاهنا

"This is a chastisement from Allah (*'azza wa jall)* to those who claim to believe in what Allāh revealed to His messenger and to the earlier prophets, while they wish to refer to other than the Book of Allah and the Sunnah of His messenger for judgment in various disputes. It was reported that the reason behind revealing this ayah was that a man from the Ansar and a Jew had a dispute. The Jew said, 'Let us refer to Muhammad to judge between us.' However, the [other] man said, 'Let us refer to Ka'b ibn al-Ashraf (a Jew) to judge between us.' It was also said that [it was revealed] about some munafiqin who displayed Islam, yet sought to refer to the rulings of Jahiliyyah. Other reasons were also reported [behind the revelation of the ayah]. In any case, the ayah is more general than all of that, as it chastises whoever turns away from the Book and Sunnah and seeks judgment from falsehood; and that is what is meant by 'taghut' here."

[112] See *Fatawa al-Lajnah*, v. 1, pp. 873-5.

On a similar note, in his tafsir of the ayah, as-Sa'di stated:

{ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ } وهو كل من حكم بغير شرع الله فهو طاغوت. والحال أنهم { قد أُمِرُوا أَنْ يَكْفُرُوا بِهِ } فكيف يجتمع هذا والإيمان؟ فإن الإيمان يقتضي الانقياد لشرع الله وتحكيمه في كل أمر من الأمور، فمَنْ زعم أنه مؤمن واختار حكم الطاغوت على حكم الله، فهو كاذب في ذلك

" 'They wish to go for judgment to the taghut' and that is everyone who rules in accordance to other than the law of Allah; he is a taghut. And the reality of their affair is that: 'they have been ordered to disbelieve in it.' So how can this be combined with iman? For indeed, iman includes inqiyad to the law of Allah and seeking judgment from it in every matter. So whoever claims that he is a believer and chooses the ruling of the taghut over the ruling of Allah, then, he is a liar [in that claim to iman]."

This ayah being one of the clearest proofs for the kufr of whoever rules by man-made laws is because Allah belies the claim to iman for the one who wishes to seek judgment from the taghut; so what of the one who he himself rules and implements man-made laws? No doubt his kufr is worse. To press the point further, it is known that disbelieving in the taghut is a condition of tawhid; so how can one be considered a muwahhid, a disbeliever in the taghut, and at the same time rule by, seek judgment from, and consent to the taghut!

Allah (*'azza wa jall)* said about those who legislate with no authority:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُم مِّنَ الدِّينِ مَا لَمْ يَأْذَن بِهِ اللَّهُ

"Or do they have partners that legislated for them a din which Allah has not given permission?"[113]

[113] Surah ash-Shura: 21.

Commenting upon this, 'Abdur-Rahman Hasan remarks: "This falls into the issue of al-Tabdil." And if we remember, his belief in relation to tabdil and legislating or ruling is corrupt. The act of legislating - which entails making what Allah prohibited as permissible and making oneself a partner with Allah - is major kufr, without looking at what the person claims to believe in his heart. Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said:

والإيجاب والتحريم ليس إلا لله ولرسوله، فمن عاقب على فعل أو ترك بغير أمر الله ورسوله وشرع ذلك ديناً فقد جعل لله نداً ولرسوله نظيراً بمنزلة المشركين الذين جعلوا لله نداً، أو بمنزلة المرتدين الذين آمنوا بمسيلمة الكذاب وهو ممن قيل فيه: {أم لهم شركاء شرعوا لهم من الدين ما لم يأذن به الله}

"Permitting and prohibiting belongs to no one except Allah and His messenger. Thus whoever punishes anyone who does and leaves [a thing] in accordance to other than the command of Allah and His messenger and legislates that as a law [114] has made a partner to Allah and His messenger similar to the mushrikin who made partners to Allah or similar to the murtaddin who believed in Musaylamah the Liar. And he is the one it is said to be addressed in: 'Or do they have partners that legislated for them a din which Allah has not given permission?' "[115]

'Abdur-Rahman Hasan (may Allah guide him) states:

> Ahl al-Sunnah break the issue down into details, but no Scholar has ever stated that ruling by other than what Allah revealed – in every form unrestrictedly – is major disbelief.

This is true. But like we have seen, you will find plenty of 'ulama from Ahlus-Sunnah stating ruling by and seeking judgment from laws other than the

[114] 'Din' translates here as law. Allah (*'azza wa jall)* said in surah Yusuf, ayah 76: "He could not take his brother by the law (din) of the king… ."
[115] See *Al-Fatawa al-Kubra*, v. 6, p. 339.

laws of Allah - the action of that - is major kufr. In addition, you will find them refuting the notion that every form of ruling by other than what Allah revealed is minor kufr unless the ruler disbelieves in his heart and informs us of this.

Much of the latter part of ʻAbdur-Rahman Hasan's booklet deals with legislating, permitting what Allah prohibited and vice-versa, and shirk in taʻah (obedience). And I am surprised he did not restrict the above ayah to istihlal in one's heart because you find in the tafsir of the ayah that it is in relation to the mushrikin permitting what Allah prohibited and vice-versa. And that is what legislating entails. And it becomes shirk in obedience when one follows that legislature and consents to it. However, how that is understood and applied is obviously different from how ʻAbdur-Rahman Hasan would take it to mean. Because everything is confined to a belief in the heart that is impossible to know according to the people of irja. Speaking about shirk in obedience, Allah (*ʻazza wa jall)* says:

وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ ۗ وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ ۖ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

"Do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience. Indeed the shayatin inspire their awliya to dispute with you, and if you were to obey them, indeed, you would be mushrikin."[116]

ʻAbdur-Rahman Hasan commented on this ayah, but I'm not sure he fully comprehends what it means. He said:

> a. Anyone that takes this verse at its apparent will come to the conclusion that anyone that obeys shaytan is a mushrik. What about those from the Muslims who sin are they not obeying shaytan in that issue? How

[116] Surah al-Anʻam: 121.

> Strange! b. The Scholars have explained what this verse means: 'Abd al-Latif Ibn 'Abd al-Rahman Ibn Hassan Ibn Muhammad ibn 'Abdul-Wahhab said: '[Observe] How this verse judged upon the person who obeys the allies of Shaytan in making permissible that which Allah prohibited that they are a Mushrik.' "

What this means is that whoever follows and obeys a legislation other than the legislation of Allah, has fallen into the shirk of obedience. That entails: whoever follows and obeys man-made legislature is a mushrik. The author of *Adwan al-Bayan* said:

متبعي أحكام المشرعين غير ما شرعه الله أنهم مشركون بالله، وهذا المفهوم جاء مبينا في آيات أخر، كقوله فيمن اتبع تشريع الشيطان في إباحة الميتة بدعوى أنها ذبيحة الله (ولا تأكلوا مما لم يذكر اسم الله عليه وإنه لفسق وإن الشياطين ليوحون إلى أوليائهم ليجادلوكم وإن أطعتموهم إنكم لمشركون) فصرح بأنهم مشركون بطاعتهم.وهذا الإشراك في الطاعة واتباع التشريع المخالف لما شرعه الله تعالى هو المراد بعبادة الشيطان في قوله تعالى (ألم أعهد إليكم يا بني آدم ألا تعبدوا الشيطان إنه لكم عدو مبين وأن اعبدوني هذا صراط مستقيم.

"The followers of the rulings of lawmakers who legislate what Allah has not permitted are committing shirk with Allah. This understanding was made clear in other ayat, such as in the statement of Allah concerning those who follow Shaytan's legislation in permitting maytah[117] under the pretext that they were slaughtered by Allah: 'Do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience. Indeed the shayatin inspire their awliya to dispute with you, and if you were to obey them, indeed, you would be mushrikin.' So he declared them to be mushrikin due to their obedience (to the taghut legislation), and this shirk in obedience - following

[117] The meat of animals not properly slaughtered.

legislation that rivals what Allah has legislated - is what is meant by worshiping Shaytan in the statement of Allah: 'Did I not enjoin upon you, O children of Adam, that you not worship Shaytan – [for] indeed, he is a clear enemy to you – and that you worship [only] Me? This is a straight path.' "[118]

This issue of shirk at-ta'ah differs slightly from ruling by other than what Allah revealed. Because in this specific topic, the followers are exactly that: followers; they are not legislators or rulers. They are following the rule of the rulers and the law of the lawmakers. So, although they do clearly compliment each other, they are different subjects. But as one might expect, 'Abdur-Rahman Hasan brings a quote in order to divert the shirk Allah mentions them with, to a matter of the heart that can not be known. It is a statement of Shaykhul-Islam wherein he said:

وَهَؤُلَاءِ الَّذِينَ اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا ، حَيْثُ أَطَاعُوهُمْ فِي تَحْلِيلِ مَا حَرَّمَ اللَّهُ وَتَحْرِيمِ مَا أَحَلَّ اللَّهُ ؛ يَكُونُونَ عَلَى وَجْهَيْنِ : أَحَدُهُمَا : أَنْ يَعْلَمُوا أَنَّهُمْ بَدَّلُوا دِينَ اللَّهِ ، فَيَتْبَعُونَهُمْ عَلَى التَّبْدِيلِ ، فَيَعْتَقِدُونَ تَحْلِيلَ مَا حَرَّمَ اللَّهُ ، وَتَحْرِيمَ مَا أَحَلَّ اللَّهُ ، اتِّبَاعًا لِرُؤَسَائِهِمْ ، مَعَ عِلْمِهِمْ أَنَّهُمْ خَالَفُوا دِينَ الرُّسُلِ ، فَهَذَا كُفْرٌ ؛ وَقَدْ جَعَلَهُ اللَّهُ وَرَسُولُهُ شِرْكًا - وَإِنْ لَمْ يَكُونُوا يُصَلُّونَ لَهُمْ وَيَسْجُدُونَ لَهُمْ - . فَكَانَ مَنْ اتَّبَعَ غَيْرَهُ فِي خِلَافِ الدِّينِ ، مَعَ عِلْمِهِ أَنَّهُ خِلَافُ الدِّينِ ، وَاعْتَقَدَ مَا قَالَهُ ذَلِكَ دُونَ مَا قَالَهُ اللَّهُ وَرَسُولُهُ ؛ مُشْرِكًا مِثْلَ هَؤُلَاءِ .

وَ الثَّانِي : أَنْ يَكُونَ اعْتِقَادُهُمْ وَإِيمَانُهُمْ بِتَحْلِيلِ الْحَلَالِ وَتَحْرِيمِ الْحَرَامِ ثَابِتًا ، لَكِنَّهُمْ أَطَاعُوهُمْ فِي مَعْصِيَةِ اللَّهِ ، كَمَا يَفْعَلُ الْمُسْلِمُ مَا يَفْعَلُهُ مِنْ الْمَعَاصِي ، الَّتِي يَعْتَقِدُ أَنَّهَا مَعَاصٍ ؛ فَهَؤُلَاءِ لَهُمْ حُكْمُ أَمْثَالِهِمْ مِنْ أَهْلِ الذُّنُوبِ . كَمَا ثَبَتَ فِي " الصَّحِيحِ " عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ : { إنَّمَا

[118] See his tafsir of surah al-Kahf, ayah 26.

الطَّاعَةُ فِي الْمَعْرُوفِ } ، وَقَالَ : { عَلَى الْمُسْلِمِ السَّمْعُ وَالطَّاعَةُ فِيمَا أَحَبَّ أَوْ كَرِهَ مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ } .

"Those who took their scholars and ascetic worshippers as lords and obey them in permitting what Allah has forbidden and forbidding what Allah has permitted[119] are of two categories:

"First, those that know they substituted the din of Allah, yet follow them in that. As a result, they believe in the permissibility of what Allah forbade and the forbiddance of what Allah permitted, following their leaders, although they know that they clash with the din of the Messengers. This is kufr. And Allah and His messenger regard it as shirk, even if they do not pray and prostrate towards them. So whoever follows other than the Prophet (ﷺ) in what opposes the din, with knowledge that it opposes the din, and believes in what his leader stated [in relation to the above] instead of what Allah and His messenger stated, is a mushrik like those [others].

"Second, they have belief and faith in the forbiddance of what has been made forbidden and in the permissibility of what has been made permissible. However, they obey others in disobedience to Allah, such as a Muslim does in performing an act which is sinful while believing that he is sinful. These get the same ruling as their likes from the sinners, as it is affirmed in the sahih from the Prophet (ﷺ): 'Obedience is only in ma'ruf (good).' And he said: 'It is upon a Muslim to hear and obey in relation to what he likes and dislikes, unless he is ordered to perform a sin.' And he said: 'There is no obedience to the creation in disobedience to the Creator.' And he said: 'Whoever commands you to disobey Allah, then do not obey him.'

"In addition, if a mujtahid forbids something that is permissible or permits something that is forbidden out of a sincere intention to follow the Messenger

[119] Or in todays' common expression: in what is legal and illegal.

but the truth was obscure to him, he feared Allah to the best of his ability and Allah will not hold him to account for his error. Rather, he is praiseworthy in relation to his striving to obey his Lord. But whoever knows that it was a mistake and did not agree with what the Messenger came with and still follows him in that error, and leaves the statement of the Messenger, then this has a share of this type of shirk in which Allah has censured. And this is especially the case if it is done out of pure whims and he supports it with his tongue and hand while knowing that it conflicts with the Messenger. And thus this is shirk where the one who does it deserves punishment."[120]

What does 'Abdur-Rahman Hasan focus on and highlight here? The word "they believe (فَيَعْتَقِدُونَ)". Why? Because he wants to fit ibn Taymiyyah into the school of thought of the Murjiah, similar to and just like al-Halabi. And as the Standing Committee stated in the beginning, ibn Taymiyyah was a proponent of Ahlus-Sunnah wal-Jama'ah, not of the Murjiah. He did not restrict kufr to an unseen affair inside the breasts of men. Instead, the outside confirms the inside and the inside confirms the outside. Granted, this issue of shirk in obedience is tricky and extremely delicate. Some declare all people to be kuffar because they are ruled by that which goes against the law of Allah and do not openly condemn it. Others (like the Murjiah) restrict it all to a matter of the heart that can not be known except if he informs us. So one does not want to go so far to this or that side of the spectrum.

In order for the shirk to be applicable, two conditions must be met:

1. They know what their leaders or scholars permit or forbid is contrary to the ruling of Allah and continue to follow and obey them.
2. There is clear indication that they accept and approve of what their leaders or scholars permit or forbid in contradiction to the law of Allah. [121]

[120] See ibn Taymiyyah, *Majmu' al-Fatawa*, v. 7, p. 70.
[121] See al-Mahmud, *Al-Hukm bi Gharyi ma Anzala Allah*, pp. 206-7 (Arabic) or *Man-Made Laws vs. Shari'ah*, p. 203 (English).

Practical examples include those who vote for constitutions that oppose the law of Allah. Likewise, those who follow governments and international institutions (like the U.N.) in criminalizing jihad. On this point, and showing ibn Taymiyyah is against the school of the Murjiah, Shaykhul-Islam stated:

ومتى ترك العالم ما علمه من كتاب الله وسنة رسوله، واتبع حكم الحاكم المخالف لحكم الله ورسوله كان مرتدا كافرا يستحق العقوبة في الدنيا والآخرة.

"When the scholar leaves what he knows from the Book of Allah and the Sunnah of His messenger and follows the law of the ruler which is in opposition to the law of Allah and His messenger, he is a murtadd (apostate) kafir deserving of punishment in the dunya and Hereafter."[122]

And al-'Allamah ash-Shanqiti, after going through and commenting on various evidences, stated something very robust:

بهذه النصوص السماوية التي ذكرنا يظهر غاية الظهور أن الذين يتبعون القوانين الوضعية التي شرعها الشيطان على ألسنة أوليائه مخالفة لما شرعه الله جل وعلا على ألسنة رسله صلى الله عليهم وسلم أنه لا يشك في كفرهم وشركهم إلا من طمس الله بصيرته، وأعماه عن نور الوحي مثلهم.

"With these revealed texts which we mentioned it becomes exceptionally apparent that those who follow the fabricated man-made laws which Shaytan legislated upon the tongues of his allies in contradiction to what Allah legislated (*jalla wa 'ala*) upon the tongues of His messengers (*sallallahu 'alayhim wa sallam*) that no one doubts their kufr and their shirk except one who Allah blurred his insight and blinded him from the light of the wahi like them (i.e., like the followers of the fabricated man-made laws)."[123]

[122] See Ibid, v. 35, pp. 372-3.
[123] See his comments in *Adwan al-Bayan* in the tafsir of surah al-Kahf: 26.

The next ayah ‘Abdur-Rahman Hasan wants to comment upon is the statement of Allah (*tabaraka wa ta‘ala*):

وَمَا اخْتَلَفْتُمْ فِيهِ مِن شَيْءٍ فَحُكْمُهُ إِلَى اللهَ

“And in whatsoever you differ, the ruling/decision goes to Allah.”[124]

But in the booklet of his, ‘Abdur-Rahman Hasan fails to mention another ayah that is quite similar to the above. It is the statement of Allah (*‘azza wa jall)*:

فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

“If you differ in anything amongst yourselves, refer it back to Allah and His messenger, if you believe in Allah and the Last Day.”[125]

Commenting upon this in his tafsir, ibn Kathir remarks:

وهذا أمر من الله ، عز وجل ، بأن كل شيء تنازع الناس فيه من أصول الدين وفروعه أن يرد التنازع في ذلك إلى الكتاب والسنة ، كما قال تعالى : (وما اختلفتم فيه من شيء فحكمه إلى الله) فما حكم به كتاب الله وسنة رسوله وشهدا له بالصحة فهو الحق ، وماذا بعد الحق إلا الضلال ، ولهذا قال تعالى :(إن كنتم تؤمنون بالله واليوم الآخر) أي : ردوا الخصومات والجهالات إلى كتاب الله وسنة رسوله ، فتحاكموا إليهما فيما شجر بينكم (إن كنتم تؤمنون بالله واليوم الآخر)

فدل على أن من لم يتحاكم في مجال النزاع إلى الكتاب والسنة

[124] Surah ash-Shura: 10.
[125] Surah an-Nisa: 59.

. ولا يرجع إليهما في ذلك ، فليس مؤمنا بالله ولا باليوم الآخر

"This is a command from Allah (*'azza wa jall)* that whatever areas the people dispute over, whether in the foundations of the din or its branches, that the dispute should be referred back to the Book and the Sunnah, as He (*ta'ala*) said: 'And in whatsoever you differ, the ruling/decision goes to Allah.' So whatever the Book and the Sunnah judge and testify to be true, is the truth. And is there after the truth except falsehood? For this, He (*ta'ala*) said: 'if you believe in Allah and the Last Day.' Meaning: refer disputes and conflicts back to the Book of Allah and the Sunnah of His messenger and seek judgment from them in what arises between you 'if you believe believe in Allah and the Last Day.'

"Thus this indicates that whoever does not seek judgment from the Book and the Sunnah and do not refer back to them in their disputes, are not believers in Allah or the Last Day."

Corresponding to that, Shaykh as-Sa'di said in his tafsir of the ayah:

فالرد إليهما شرط في الإيمان فلهذا قال: { إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ } فدل ذلك على أن من لم يرد إليهما مسائل النزاع فليس بمؤمن حقيقة، بل مؤمن بالطاغوت، كما ذكر في الآية بعدها

"Therefore, returning back to them (i.e., the Book and Sunnah) is a condition for iman. Due to this, He said: 'if you believe in Allah and the Last Day.' Thus this indicates that whoever does not refer back to them in matters of dispute, then he is not a believer in reality; rather, he is a believer in the taghut, as mentioned in the ayah that follows (i.e., 4:60)."

A[n] [educated] guess on how 'Abdur-Rahman Hasan (may Allah guide him) would have [mis]interpreted this can probably be formed and if he would have relayed its tafsir correctly. But giving the reader a glimpse of what may have

transpired, even if he had cited that ayah, is what comes next and his speech in relation to the statement of Allah:

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ

"Is it the judgment of ignorance they desire? But who is better than Allah in judgment for a people who are certain [in faith]"

Instead of relating the tafsir of this ayah by ibn Kathir, which we will cite and is well known to every single student of knowledge and relates to ruling by laws other than the laws of Allah, 'Abdur-Rahman Hasan states: "In the Shari'ah, Jahilliyyah does not always refer to major disbelief." This is true but what is the point of stating that? What is the tafsir of the ayah? Does it mean that whoever desires the ruling of jahiliyyah is a Muslim or a kafir?

The citation from Abu 'Ubayd al-Qasim ibn Sallam (d. 224 H - *rahimahullah*) that 'Abdur-Rahman Hasan brings to support his view is in reference to specific instances (qadiyyah mu'ayyanah); hence his statement: "and he is upon the millah of Islam (وهو على ملة الاسلام)" is synonymous to what we previously mentioned as adhering to the ruling of Allah outwardly and inwardly; however, he leaves the ruling of Allah in specific cases. When the Salaf spoke about ruling by other than what Allah revealed, that is what was being referred to. It wasn't about ruling by and seeking judgment from laws that contravene the law of Allah.

Still, the question remains, why quote him in this matter and not the famous statement of ibn Kathir? Does 'Abdur-Rahman Hasan think they are contradictory? For Ahlus-Sunnah, what Abu 'Ubayd said is the haqq, and what ibn Kathir says is the haqq. So why relate one and leave off the other? Again, those who have been paying attention already know the answer. Nevertheless, helping us in that are the clear words of Imam ibn Kathir (*rahimahullah*) in his tafsir:

ينكر تعالى على من خرج عن حكم الله المحكم المشتمل على كل خير ، الناهي عن كل شر وعدل إلى ما سواه من الآراء والأهواء والاصطلاحات ، التي وضعها الرجال بلا مستند من شريعة الله ، كما كان أهل الجاهلية يحكمون به من الضلالات والجهالات ، مما يضعونها بآرائهم وأهوائهم ، وكما يحكم به التتار من السياسات الملكية المأخوذة عن ملكهم جنكز خان الذي وضع لهم اليساق وهو عبارة عن كتاب مجموع من أحكام قد اقتبسها عن شرائع شتى ، من اليهودية والنصرانية والملة الإسلامية ، وفيها كثير من الأحكام أخذها من مجرد نظره وهواه ، فصارت في بنيه شرعا متبعا ، يقدمونها على الحكم بكتاب الله وسنة رسوله صلى الله عليه وسلم . ومن فعل ذلك منهم فهو كافر يجب قتاله ، حتى يرجع إلى حكم الله ورسوله [صلى الله عليه وسلم] فلا يحكم سواه في قليل ولا كثير

"He (*ta'ala*) rebukes whoever departs from the ruling of Allah, the Wise Arbitrator, which includes every type of good and prohibits every type of evil and refers instead to the opinion, whims, and traditions that people institute themselves,[126] all of which have no basis in the law of Allah, as the people of jahiliyyah used to do by judging in accordance to their misguidance and ignorance that they instituted based upon their thoughts and whims. As well the Tatar whose leaders judged in accordance to the Yasiq that they took from their king Ghenghis Khan. It is a book that contains rulings derived from various other laws and contains rulings from the Jews, Christians, and some rulings from Islam. However, many of them were derived from his own opinion and whims. It later became the followed law among his children, putting it before the book of Allah and the Sunnah of His messenger (ﷺ). And whoever amongst them does that, he is a kafir who is obligatory to fight until he returns to the ruling of Allah and His messenger and does not judge except by it, whether a little or a lot."

[126] There is hardly any better description for man-made laws than this.

I ask Allah to send peace and blessings upon our prophet Muhammad, his family, his companions, and all those who follow him. And I close with our final statement that all praise belongs to Allah, the Lord of creation.

أهل التوحيد
Publications